

AFL-CIO

# **WE WILL DEFEND AND RESIST:**

## **TOOLKIT FOR ORGANIZERS AND ADVOCATES ON WORKPLACE RAIDS AND AUDITS**

MAY 2017



**WE RISE!**

**¡ADELANTE!**

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## I. INTRODUCTION

This toolkit seeks to equip labor and community organizers, advocates and law practitioners with the necessary information to navigate escalating attacks on immigrant workers and their families. Under the previous administration, worksite enforcement mainly was pursued through I-9 audits, or “silent raids,” in which Immigration and Customs Enforcement (ICE) agents review an employer’s I-9 records for irregularities and target individuals for enforcement based on that information. However, in the current political climate, we expect a return of more aggressive workplace enforcement actions, including raids that result in the immediate arrest of workers.

As such, this toolkit will explain the processes and players involved in worksite enforcement, and provide resources and guidance on how to prepare for and respond to a raid or audit. We have provided many useful sample materials to help inform and equip worker advocates, including sample immigration-related contract language and responses to “no-match” letters from the Social Security Administration, as well as sample letters for advocates and union officials, and other helpful resources.

It must be noted that the most current regulations and rulings at the time of publication are the basis for the recommendations in this toolkit, but the immigration enforcement and policy landscape is shifting quickly in the new administration. This toolkit provides only general information; you should consult legal counsel about any specific issues or questions that may arise. The AFL-CIO will work to update this information as new developments unfold, and will stay in active communication with advocates and organizers on the ground in order to understand how we can be most effective in defending workers’ rights in the context of evolving worksite enforcement practices.

By providing these resources in a single toolkit, we hope labor organizers and advocates may be better prepared to tackle the many challenges that arise in their efforts to help immigrant workers assert their labor rights and gain a voice on the job.



## II. FREQUENTLY ASKED QUESTIONS ABOUT I-9 AUDITS

### **Q: What is an I-9 audit or a “paper raid”?**

**A:** Federal law requires employers to complete the I-9, Employment Eligibility Verification, form for every employee to confirm those employees have permission to work in the United States.<sup>1</sup> Violation of these laws can mean thousands of dollars in civil fines or criminal penalties for employers. A “paper raid” occurs when Immigration and Customs Enforcement (ICE) investigates a workplace by reviewing employment records and questioning employees about their status. While audits most commonly result in employer fines and termination of workers with paperwork discrepancies, ICE also can detain workers or put them into deportation proceedings—which is why audits often are described as “paper raids.”<sup>2</sup> See *Appendix A* for a list of acceptable documents for employees to present.

### **Q: What is the process when ICE decides to audit an employer?**

**A:** ICE audits are a formal process in which employers are required to submit their employment authorization records for verification by the agency. Generally, ICE audits begin with a Notice of Inspection that usually gives employers three business days to produce all I-9 records, along with supporting documents such as payroll lists. The number of I-9 audits ICE conducts has varied widely in recent years, from more than 3,000 in 2013 to fewer than 400 in 2015.<sup>3</sup>

### **Q: What is an employer “self audit”?**

**A:** Employer “self-audits” are reviews of I-9 records initiated by the employer, purportedly for the purpose of verifying compliance with the employer’s obligations under law. Employers sometimes conduct self-audits in an attempt to disrupt organizing efforts by immigrant workers. Employers control all aspects of the process and timeline of a self-audit or re-verification process.<sup>4</sup>

### **Q: What does an I-9 audit mean to labor?**

**A:** The implications of an I-9 audit for organizers and union leaders are important. Employers routinely attempt to disrupt or undermine an organizing campaign or labor dispute by calling ICE with tips intended to trigger an audit, or by conducting a strategically timed “self-audit” or re-verification process. Either type of audit can result in termination of workers who are unable to produce required valid documents. Effective advocacy during I-9 audits must respond to the specific situations, and be grounded in a clear understanding of legal parameters, so advocates should familiarize themselves with the legal and regulatory background of I-9 audits in order to create the most effective response.

## III. WHAT ARE THE STEPS IN AN I-9 AUDIT?

### 1. Notice of Inspection

The administrative inspection process begins when a Notice of Inspection is served upon an employer requiring the production of I-9 forms. By law, employers are given at least three business days to produce the forms. Often, ICE will request the employer provide supporting documentation, which may include a copy of the payroll, list of current employees, Articles of Incorporation and business licenses. See *Appendix B for a sample Notice of Inspection and Appendix C for a sample letter of union response to Notice of Inspection.*

### 2. Inspection of Forms

ICE agents or auditors then conduct an inspection of the I-9 forms for compliance. ICE agents may find either technical or substantive violations in the records.

### 3. Violations

When technical or procedural violations are found, an employer is given 10 business days to make corrections. An employer may receive a monetary fine for all substantive and uncorrected technical violations. Employers found to have knowingly hired or continued to employ unauthorized workers will be required to stop the unlawful activity, may be fined, and in certain rare situations may be criminally prosecuted. Additionally, an employer found to have knowingly hired or continued to employ unauthorized workers may be debarred by ICE, meaning that the employer will be prevented from participating in future federal contracts and from receiving other government benefits.

Fines range from \$110 to \$16,000 per violation, with repeat offenders receiving penalties at the higher end. In determining penalty amounts, ICE considers five factors: 1) the size of the business, 2) the employer's good faith effort to comply, 3) seriousness of violation, 4) whether the violation involved unauthorized workers, and 5) the employer's history of previous violations.

ICE will notify the audited party, in writing, of the results of the inspection, once completed. The following are the most common notices:

- **Notice of Inspection Results**—also known as a “compliance letter,” used to notify a business that they were found to be in compliance with I-9 requirements.
- **Notice of Suspect Documents**—advises the employer that, after reviewing the forms and documentation, ICE has determined that an employee is unauthorized to work and notifies the employer of the possible criminal and civil penalties for continuing to employ that individual. ICE provides the employer and employee with an opportunity to present additional documentation to demonstrate work authorization if they think the finding is in error. See *Appendix D for a sample Notice of Suspect Documents.*

- **Notice of Discrepancies**—advises the employer that, based on a review of the I-9 forms and documentation submitted by the employee, ICE is unable to determine their work eligibility. The employer should provide the employee with a copy of the notice, and give the employee an opportunity to present ICE with additional documentation to establish their employment eligibility.
- **Notice of Technical or Procedural Failures**—identifies technical violations and gives the employer 10 business days to correct the forms. After 10 business days, uncorrected technical and procedural failures will become substantive violations.
- **Warning Notice**—issued when substantive verification violations were found, but circumstances do not warrant a monetary penalty and there is the expectation of future compliance by the employer.
- **Notice of Intent to Fine**—may be issued for substantive, uncorrected technical, knowingly hire and continuing to employ violations. NIF notices are provided with charging documents that identify the employer violations. The employer either may negotiate a settlement with ICE or request a hearing before the Office of the Chief Administrative Hearing Officer within 30 days of receipt of the NIF. If a hearing is requested, OCAHO assigns the case to an administrative law judge and sends all parties a copy of a Notice of Hearing and the government’s complaint, thus setting the adjudicative process in motion.
- **Notice of Hearing**—spells out the procedural requirements for answering the complaint and the potential consequences of failure to file a timely response. Many OCAHO cases never reach the evidentiary hearing stage because the parties either reach a settlement, subject to the approval of the ALJ, or the ALJ reaches a decision on the merits through dispositive prehearing rulings.

If the employer takes no action after receiving an NIF, ICE will issue a Final Order.

For the official ICE flow chart, visit [www.ice.gov/factsheets/i9-inspection](http://www.ice.gov/factsheets/i9-inspection).

## IV. WHAT HAPPENS IF AN I-9 AUDIT OCCURS WHILE WORKERS ARE EXERCISING THEIR RIGHTS?

There are a number of government agencies that have a role to play in ensuring that I-9 audits are conducted in a manner that respects workers' rights:

1. The Department of Homeland Security's U.S. Immigration and Customs Enforcement Division is responsible for the enforcement of U.S. immigration law. Homeland Security Investigations is the sub-agency within ICE that conducts the I-9 audit process.
2. The Department of Labor, through its various departments, is responsible for enforcing labor standards.
3. The Department of Justice's Immigrant and Employee Rights Section (formerly known as the "Office of Special Counsel for Immigration-Related Unfair Employment Practices") is responsible for enforcing the anti-discrimination and document abuse provisions of the Immigration Reform and Control Act.
4. The National Labor Relations Board is responsible for enforcing the National Labor Relations Act and ensuring that workers have the right to join together to seek better pay or working conditions from their employer through collective bargaining or other lawful means.
5. The Equal Employment Opportunity Commission is responsible for enforcing Title VII of the Civil Rights Act prohibiting discrimination based on race, color, gender, national origin and religion, and other federal antidiscrimination laws.

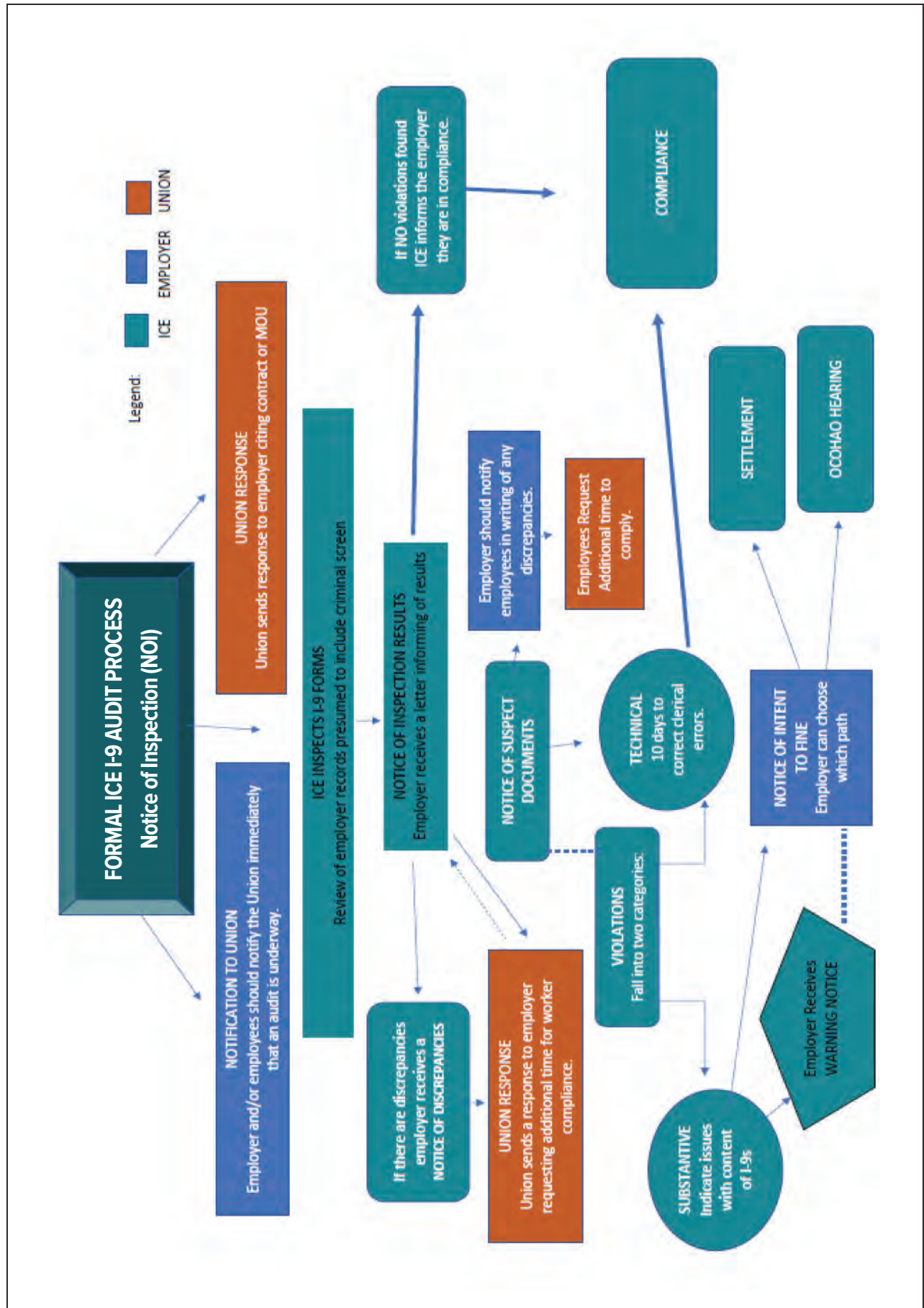
These agencies frequently overlap in their roles and their mandates can be competing, particularly in instances when management initiates immigration enforcement actions to stymie organizing and bargaining campaigns. Resolution of these conflicting interests is governed by the current Memorandum of Understanding between ICE, DOL, NLRB and EEOC, which indicates that ICE should refrain from engaging in immigration enforcement practices at a worksite that is currently the subject of a labor dispute investigation.<sup>5</sup> See *Appendix F for the 2011 MOU*.

Under current protocols, ICE must check with DOL in advance of conducting any worksite investigation to be sure there is not a labor dispute in progress. DOL then confers with NLRB and EEOC to determine whether any of the labor and employment agencies are conducting active investigations of the employer. In the event of a live labor dispute, DOL instructs ICE not to initiate immigration enforcement actions that could interfere with the exercise of protected worker rights. Despite upfront agency efforts, the presence of a labor dispute often is discovered only after an audit has begun. ICE can suspend an audit that is under way, but has done so very rarely.

Organizers should note that the MOU defines labor disputes broadly, and asserts that immigration enforcement should not be used as a tool to prevent the exercise of protected rights, including the right to:

- Form, join or assist a union or labor organizations;
- Bargain collectively;
- Be paid minimum or contractually stipulated wages and/or overtime;
- Have a safe workplace;
- Receive compensation for work-related injuries;
- Be free from discrimination based on race, gender, age, national origin, religion, disability or sexual orientation;
- Advocate publicly for better working conditions or for other rights relating to employment; or
- Be free from retaliation for seeking to vindicate these rights.

If ICE or an employer initiates an I-9 audit during an ongoing labor dispute, organizers should contact the relevant labor agency immediately and also contact ICE officials to emphasize the requirements of the MOU.



## V. GUIDANCE ON THE I-9 PROCESS FOR ORGANIZERS AND ADVOCATES

### TIPS FOR TALKING TO WORKERS

The I-9 audit process often creates a lot of fear and uncertainty within a workplace or community. In large part, this is due to intimidating practices on the part of the employer during the audit process, or due to a lack of information about the process. Therefore, it is important for labor organizers and advocates to stress the need for transparency and communication at each stage of the I-9 audit process. Below is a list of issues that advocates should address with workers facing an I-9 audit:

1. Remind workers *not to panic*. If workers have concerns about the I-9 audit, they should immediately contact a union representative or a workers' rights organization.
2. Remind workers they have the *right to remain silent*. Workers have the right to choose not to speak with their employer about their immigration status. Workers who are nervous about speaking with their employer should request that a union representative or workers' rights advocate be present at any meetings regarding work authorization status.
3. Workers who are informed that ICE has found a discrepancy in their work authorization documents should *request notification of the basis for the discrepancy in writing and request as much time as possible to resolve the issue*.
4. If workers have valid documents that could help resolve the issue, they should *present updated documents to their employer*.
5. *It is important to inform workers that the employer then will send those updated documents to ICE and ICE may ask to interview the worker*. If agents discover during the interview that the worker is unauthorized to work, they can arrest the worker at the interview.
6. If ICE finds a problem with a worker's documents and that worker decides not to present new documents, *the worker can be terminated*.

## TIPS FOR TALKING TO EMPLOYERS

There also are certain things advocates should be sure to address with employers undergoing an I-9 audit. These key points are listed below:

- 1. Communicate:** Employers should meet with union members and representatives to let them know about the process. Employers should inform all workers with a union representative present at this meeting. In this meeting, the employer should inform all workers they are undergoing an ICE audit and they should provide proof of the initiation of an I-9 audit. Employers should inform workers about how the process works and what they can expect if ICE officials detect problems. Employers should inform individual workers promptly and in writing of any issues that ICE identifies.

*NOTE: We suggest the union send a letter to the employer at the outset of an ICE audit to clarify expectations. If an audit is initiated by the employer, rather than ICE, workers may consider filing grievances or other collective strategies to get the employer to stop the re-verification process. See Appendix E for suggestions.*

- 2. Treat Workers Equally:** Employers should implement the same timeline and requirements for all employees to update documents. All employees should be subject to the same I-9 audit regardless of immigration status, national origin, race, color, sex or religion. Employers cannot force workers to discuss their immigration status. Employers cannot require that employees use certain documents to re-verify their work authorization status. This practice is called “document abuse” and will subject the employer to charges of discrimination.
- 3. Provide a Reasonable Amount of Time for Re-verification:** Employers should provide workers a reasonable amount of time to correct work authorization problems identified during the I-9 audit.
- 4. Compensate:** If an employee chooses not to provide updated documents, employers still should compensate workers for any outstanding back pay, vacation time accrued or bonuses that they otherwise would be entitled to receive. If an employee does provide corrected documentation, that worker should be permitted to maintain his or her former position without suffering any loss in seniority.



## MAJOR CONTRACT PROVISIONS REGARDING I-9 AUDITS

Ideally, these issues will be formally addressed in a collective bargaining agreement. Below is a list of major bargainable provisions regarding I-9 audits. These provisions closely mirror the points listed above, but bargaining for them with the employer *before* an I-9 audit process will put the union and the workers in the best possible position when an audit occurs.

1. Require employers to hold a meeting once they receive Notification of Inspection from ICE to inform workers about the process and their rights.
2. Require employers to notify the union and workers in writing of discrepancies found by ICE during the I-9 audit.
3. Require employers to allow workers a reasonable amount of time to correct discrepancies in work authorization documents. Define a reasonable amount of time as between 90 and 120 days.

*See Appendix X for more detailed language to address these contract provisions.*

## VI. FREQUENTLY ASKED QUESTIONS ABOUT WORKPLACE RAIDS

### **Q: What is a workplace immigration raid?**

**A:** A “raid” is a term commonly used to describe an immigration enforcement operation where officers arrive unannounced at a home, workplace or other locations to arrest, detain and remove people. Officers conducting a raid usually arrive with armed weapons and may or may not be dressed “undercover.” An immigration raid at a workplace usually is conducted as part of an investigation of employer violations, such as the hiring of undocumented immigrants, the use of false documents, or in some cases human trafficking. During a workplace raid, immigration enforcement agents often confiscate workers’ documents, question workers about their immigration status, detain workers and take them into custody for further questioning or investigation, which can lead to deportation.

### **Q: Is ICE supposed to respect union negotiations and worker organizing?**

**A:** Yes. There are standing agreements between DHS and federal labor and employment agencies that provide guidance to prevent ICE interference in labor rights disputes.<sup>6</sup> There also is standing ICE guidance stating that “[w]hen information is received concerning the unauthorized employment of aliens, consideration should be given to whether the information is being provided for the purpose of interfering with a genuine labor organizing campaign or employment dispute between workers and the management or ownership of the business or organization.”<sup>7</sup> Although the guidance does not prohibit ICE from conducting raids in places where there are labor disputes in all circumstances, it does require ICE to comply with its agreed-upon deconfliction policy with federal labor and employment agencies, and stipulates that ICE should cooperate in making workers who are detained available for interviews with those agencies, and should comply with all ICE policies regarding the treatment of victims and witnesses to crimes.<sup>8</sup> Worker advocates and labor agencies have had some success in convincing ICE to restrict workplace actions during organizing or bargaining campaigns, but ensuring that these protocols are honored requires effective advocacy and engagement. ICE guidance has recognized that witnesses or victims of labor violations, as well as those engaged in labor disputes, should be considered for prosecutorial discretion, which is a form of relief from deportation.<sup>9</sup> Often referred to as the “Victims Memo,” this guidance may continue to offer opportunities for relief for workers who have been detained in a workplace raid where there is an existing labor dispute.

### **Q: Do undocumented workers have labor rights? Can my union advocate for them?**

**A:** Core federal labor law protections apply to all workers, including immigrants regardless of immigration status in the United States. Government agencies protect the rights of all workers, including U.S. citizens, and prevent downward pressure on labor standards by enforcing laws that protect the right to organize, to earn a minimum wage, and to have a safe and discrimination-free workplace.<sup>10</sup> Although employers do it all the time, it is illegal to threaten or intimidate workers using their immigration status in retaliation for union activities or for filing wage theft or other claims. Defending the right of undocumented workers to organize and bargain collectively without retaliation is consistent with U.S. labor laws and necessary to lift standards and conditions for us all.

### **Q: Which workers are most likely to be targeted for deportation?**

**A:** Regardless of the initial scope of an investigation, DHS has a practice of questioning a wide range of workers during an audit or raid. DHS has the discretion to focus on detaining only those workers they consider priority for deportation; however, the most recent statement of the priorities for removal is extremely broad. In his Executive Order on Enhancing Public Safety in the Interior of the United States, President Trump instructed DHS to prioritize all those who:

- Have been convicted of any criminal offense;
- Have been charged with any criminal offense, where such charge has not been resolved;
- Have committed acts that constitute a chargeable criminal offense;
- Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- Have abused any program related to receipt of public benefits;
- Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Despite the alarming breadth of these priorities, ICE is supposed to consider the “totality of the circumstances”<sup>11</sup> in a particular case, not just the qualities that may mark an individual as a “priority.” As we track and respond to the implementation of these new priorities, community advocacy and public support will be critical to defend workers and influence ICE’s decision to deport or detain specific individuals.

### **Q: Is a worker’s family or home at risk during an ICE workplace operation or raid?**

**A:** During a workplace raid or operation, ICE also may visit the homes of workers, in particular workers whose records are found at the company but who are not at work at the time. If ICE agents visit a worker’s home, families are under no obligation to answer questions or even open the door unless the agents have a warrant signed by a judge. ICE is known to routinely question people who are present during operations—even if they have no relation to the investigation. If ICE is able to identify family members or other members of the household whom they deem a priority for deportation, there is a risk that they also could be detained and taken into immigration custody, sometimes referred to as “collateral arrests.”<sup>12</sup>

### **Q: How does involvement in a labor or civil rights issue affect an individual’s deportation case or detention?**

**A:** Historically, DHS guidelines have called for special consideration for people who are victims and witnesses to crimes, particularly victims of domestic violence and human trafficking. Known as the Victims Memo, this guidance protected “plaintiffs of non-frivolous lawsuits regarding civil rights or civil liberties violations” and “individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions)” in a dispute with an employer, landlord or contractor.<sup>13</sup> If ICE is responsible for interfering in such a dispute or activity by conducting a raid or arresting or detaining a worker, this guidance may serve as precedent and potentially offer opportunities for relief for workers. It is the role of advocates and organizers to make sure that immigration agents are aware of an individual’s participation in a labor or civil rights case, and to hold ICE accountable for preventing or rectifying any interference in labor organizing or disputes.

## VII. PREPARING FOR A POSSIBLE WORKPLACE RAID

The following information is intended to help ensure that working people know their rights and are prepared to defend themselves and the immigrant members of their unions, their families and their communities in the event of workplace or community raids.

### A. BEFORE A RAID TAKES PLACE—PREPLANNING

Before a workplace or community raid takes place, there are important steps that unions and worker advocates and organizers can take to develop clear rapid response protocols and teams, and to help ensure workers and their families also are prepared.

Our goals during this planning period must be to:

- Develop a shared vision and Rapid Response Plan in preparation for a possible workplace raid;
- Develop a Rapid Response Team and be sure everyone understands their roles and the steps they must take to implement the plan;
- Establish clear points of contact and channels of communication among the team;
- Train our members and their families on their rights and how to prepare for and react during a workplace raid; and
- Build trust and confidence among our team and our members so we can act decisively and collectively to protect workers in the event of a raid.

In order to accomplish these goals, local labor leaders should take the following steps:

- 1. Call for an emergency meeting to form a Rapid Response Team/network.** The meeting should include representatives of unions and local immigrant rights or worker centers, local clergy, attorneys and United Way liaison(s), among others. The goal of this meeting is either to connect with an existing network or to create a Rapid Response Team that can respond to workplace raids or other ICE enforcement actions. Rapid Response Teams can include directly affected worker leaders, organizers (union or business representative/shop steward/ staff organizer), immigration attorneys, labor attorneys, family law attorneys and digital/communications organizers. See *Appendix G for summaries of roles and responsibilities for the Rapid Response Team.*
- 2. Conduct Know Your Rights and Rapid Response planning training for workers and their families.** We need to make sure all members of our unions and communities are educated and trained about their rights, and have taken proper steps to protect themselves and their families in the event of a raid. We also want to make sure all workers understand and are ready to follow the steps of the rapid response plan. See *below and Appendix H for training methods and Appendix I–K for materials.*
- 3. Where possible, engage employers to establish protocols for their interaction with ICE at the workplace.** *Appendix X* outlines a range of principles that could be formally negotiated in collective bargaining agreements, or otherwise discussed in labor-management tables. These proactive steps can help to decrease the likelihood that ICE will be permitted into a worksite or that workers will suffer adverse consequences from immigration enforcement actions.

#### 4. Create clear channels of communication.

Labor leaders should create the following:

- A list of contact information and roles of team members, including name, email address and phone number.
- A preferred means for internal communication. The “Signal” app, for example, is relatively secure and allows the creation of a team channel for instant communication.
- A worker emergency hot line that all workers should know and have written on the blank line of their Know Your Rights palm card. There are several options to explore, such as:
  - o “Ring Central” [www.ringcentral.com/](http://www.ringcentral.com/), or
  - o “Telzio” <https://telzio.com/features/call-forwarding/>, or
  - o A Google number that can be set up to ring sequentially to two separate lines.
- A contact sheet of the key individuals and offices, including:
  - o Your local Enforcement and Removal Operations Field Offices—look up name and contact information for acting director of your regional office: [www.ice.gov/contact/ero](http://www.ice.gov/contact/ero)
  - o Local detention facilities: [www.ice.gov/detention-facilities](http://www.ice.gov/detention-facilities)
  - o In case of labor dispute:
    - Your local NLRB: [www.nlr.gov/who-we-are/regional-offices](http://www.nlr.gov/who-we-are/regional-offices)
    - Your local DOL: [www.dol.gov/agencies/ebsa/about-ebsa/about-us/regional-offices](http://www.dol.gov/agencies/ebsa/about-ebsa/about-us/regional-offices)
    - Your local EEOC: [www.eeoc.gov/field/](http://www.eeoc.gov/field/)
  - o Your local embassies (Mexico, El Salvador, Honduras, Philippines, etc.)
  - o Local media (consider multilingual or ethnic media)

#### 5. Produce and distribute Know Your Rights materials.

Fliers, palm cards and safe workplace posters can be found at [www.adelantewerise.org](http://www.adelantewerise.org). Make sure all workers are carrying a palm card with the phone number of an emergency hot line or direct line to your legal advocate at all times. See Appendices I, J and K.

## KNOW YOUR RIGHTS

Whether you are at work, home or in your community, the labor movement wants you to know your rights and be prepared when interacting with law enforcement, including immigration agents.

- 1 You have the right to **REMAIN SILENT**. You have the right not to answer any questions, including questions about where you were born, whether you are a citizen, how you entered the United States, or your immigration status. If stopped in the street or at the workplace, stay calm and say, “I choose to remain silent,” or hand a card (downloadable at [go.affco.org/immigrationresources](http://go.affco.org/immigrationresources)) to a law enforcement agent.
- 2 You have the right **NOT TO SIGN** any documents without first speaking with an attorney, no matter what an agent says. Anything you say or sign could be used against you later in any legal proceeding, including deportation.
- 3 If you have valid federal immigration **DOCUMENTS**, carry them with you. For example, if you have a green card or a work permit that is not expired, always carry it for identification purposes. Don't carry a foreign passport or papers from another country, as these could be used against you in deportation proceedings. Never carry false documents or lie about your immigration status.
- 4 If law enforcement agents come to your home, you don't need to let them in unless they have a proper **WARRANT**. You don't need to open the door to see the warrant. Law enforcement agents can slide the warrant under the door or hold it in the window to show it to you. A warrant must be signed by a judge and include your correct name and address to be valid. ICE warrants for removal don't give immigration agents the right to enter your home unless you give them permission.

NOTE: These general principles are not meant to serve as legal advice.

For more information and resources to know and defend your rights, please visit [go.affco.org/immigrationresources](http://go.affco.org/immigrationresources).

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Whether you are at work, home or in your community, the labor movement wants you to know your rights and be prepared when interacting with law enforcement, including immigration agents.

## KNOW YOUR RIGHTS

- 1 Stay calm, plead the 5th and remain silent. “I plead the 5th and choose to remain silent.”
- 2 Do **NOT** sign anything! You have the right to consult with an attorney before answering any questions or signing any documents.
- 3 You do **NOT** need to show ID or immigration documents to the officers. If requested, reply by saying “I wish to speak to an attorney.” If you have a valid green card or work permit, carry it with you.
- 4 No law enforcement agent has the right to enter your home without a proper warrant signed by a judge with your correct name and address. Do **NOT** open the door without having them first show you a signed warrant.

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### KNOW YOUR RIGHTS!

If you are stopped by law enforcement:

- Hand this card to the officer and remain silent.
- The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

For more information and resources to know and defend your rights, please visit [go.affco.org/immigrationresources](http://go.affco.org/immigrationresources).

NOTE: These general principles are not meant to serve as legal advice.

I am exercising my right to remain silent and my right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I also am exercising my right to refuse to sign anything until I consult an attorney. Thank you.

## THIS IS A SAFE WORKPLACE We Stand for ALL Workers.

## WE WILL NOT TOLERATE:

# RACISM SEXISM XENOPHOBIA ISLAMOPHOBIA HOMOPHOBIA TRANSPHOBIA

#IUSafeWorkplace

**WE RISE!**  
ADELANTE!

AFL-CIO

**6. Help workers prepare personal and family plans.** Workers should gather important documents before a raid and keep them in a safe place. These documents could include:

- City or state ID
  - Valid passport
  - Certificate of Disposition<sup>14</sup>
- If the worker has children: copy of all school transcripts of every child. Also, the worker may consider speaking to a family law attorney about the need to sign a power of attorney for the caretaking of their children. See *Appendix O, Sample Power of Attorney*.

See *Appendix P, Checklist of Helpful Documents for Immigrant Workers to Provide to Advocates*, for a list of all necessary documents to be completed.

In addition, if the worker is represented by an immigration attorney, he/she should consider completing the following documents in advance and submitting them to the attorney:

- Immigration and Labor Issues Intake (Before a Workplace Raid) (See *Appendix L*)
- USCIS Form G-28 (See *Appendix M*)
- ICE Privacy Waiver Authorizing Disclosure to a Third Party (See *Appendix N*)

| APPENDIX P                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Checklist of Helpful Documents for Immigrant Workers to Provide to Advocates</b>                                                                                                                                                          |
| <input type="checkbox"/> Completed "Before a Workplace Raid" Intake Form (See Appendix L)                                                                                                                                                    |
| <input type="checkbox"/> [Signed by worker] USCIS Form G-28 (See Appendix M)                                                                                                                                                                 |
| <input type="checkbox"/> [Signed by worker and witness] ICE—"Privacy Waiver Authorizing Disclosure to a Third Party" (See Appendix N)                                                                                                        |
| <input type="checkbox"/> City or State ID                                                                                                                                                                                                    |
| <input type="checkbox"/> Valid Passport                                                                                                                                                                                                      |
| <input type="checkbox"/> Certificate of Disposition                                                                                                                                                                                          |
| <input type="checkbox"/> If worker has children: copy of all school transcripts of every child. Also, member may consider speaking to a family law attorney about the need to sign a power of attorney for the caretaking of their children. |

| APPENDIX L                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Immigration and Labor Issues Intake (Before a Workplace Raid)</b>                                                                                                                                                                                                                                                                                                                                                                                          |  |
| A. Contact Details of Person Screened<br>B. Primary Issues of Concern<br>C. Details of Person with Immigration Issues<br>D. Immigration History<br>E. Currently in Immigration Proceedings<br>F. Asylum Screening<br>G. U or T Visa Screening—Survivors of Crime or Domestic Violence<br>H. Workplace Violations—including U/T Visa Screening in Workplace Context<br>I. Law Enforcement History<br>J. Family History<br>K. Other Information<br>L. Follow-up |  |
| <b>PERSON DOING INTAKE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Full Name                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| Contact Information                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| Institution                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>CONTACT DETAILS OF PERSON SCREENED (If family member, may be different from person with immigration issues)</b>                                                                                                                                                                                                                                                                                                                                            |  |
| Full Name                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| Phone                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Email                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Languages                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <b>PRIMARY ISSUES OF CONCERN (write short explanation; go to relevant sections only)</b>                                                                                                                                                                                                                                                                                                                                                                      |  |
| Are you in immigration proceedings? (Are you in custody? Have you interacted with immigration enforcement?)                                                                                                                                                                                                                                                                                                                                                   |  |
| Are you afraid to return to a home country?                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Have you ever been a crime victim (which might entitle you to U or T visa)?                                                                                                                                                                                                                                                                                                                                                                                   |  |
| Did you ever face any labor violations while at work (which might entitle you to U or T visa)?                                                                                                                                                                                                                                                                                                                                                                |  |

**7. Create an action plan with Rapid Response Team/network.** (See *Appendix Q*)

## B. DURING A WORKPLACE RAID—EXECUTING YOUR ACTION PLAN

When the moment arrives, you will put into practice the plans you prepared with workers, advocates and allies. The following is a quick list of immediate actions to take after you have confirmed a workplace raid is under way. The most reliable way to confirm a raid is through direct contact with workers, their family members or community members who have been caught in or witnessed it.

- 1. Activate your Rapid Response Team** and instruct team members to begin to coordinate and execute their action plan.
- 2. Send off a Rapid Response squad to the worksite.** IF we have knowledge the raid still is taking place and there is activity at the shop, this Rapid Response squad has two goals:
  - Make sure to document what they see happening at the worksite.
  - Triage needs based on what the live situation looks like.
- 3. Send a legal team of at least two attorneys to the nearby ICE holding facility.** The attorneys should be ready to demand to see the workers detained and begin interviewing them for additional information about the raid. *See below and Appendix R for questionnaire to guide the documentation.*

**APPENDIX R**

### Post-Workplace Raid Questionnaire for Observers

It is important to document the details observed during the raid quickly after the event.

1. Date: \_\_\_\_\_
2. Time: \_\_\_\_\_
3. Address: \_\_\_\_\_
4. Please describe the location (i.e., the business, building facility, workplace, etc.):  
\_\_\_\_\_  
\_\_\_\_\_
5. Are workers outside or inside at the time of your arrival? Document the time.  
\_\_\_\_\_
6. What agencies conducted the raid? (e.g., ICE, local police, HSI, etc. \*NOTE: There may be multiple law enforcement agencies working together in a task force, etc.)  
\_\_\_\_\_  
\_\_\_\_\_
7. How many officers were there? How many were male and female?  
Female: \_\_\_\_\_ Male: \_\_\_\_\_
8. Please describe their vehicles (were they marked as police, DHS, etc.):  
\_\_\_\_\_  
\_\_\_\_\_
9. Did the officers have their weapons drawn or were they visible?  
\_\_\_\_\_
10. What were the officers wearing?  
Color \_\_\_\_\_ Labels \_\_\_\_\_ Badges \_\_\_\_\_

in

## C. AFTER A RAID TAKES PLACE

Local labor leaders need to collaborate with and activate the larger community to mobilize and attempt to get all detained workers released. The following are the recommended steps every local and state labor federation should take:

**1. Allied attorneys that are part of the Rapid Response Team/network** should demand to see all workers being detained immediately and conduct a thorough Post-Workplace Raid/1-9 Audit Intake (see *below* and *Appendix S*).

**2. Call for an emergency meeting between the local Rapid Response Team/network and other local stakeholders.** The goal of this meeting is to bring everyone up to speed based on the situation and strategize together about your next steps, and create a local campaign to get all workers released as soon as possible. The best chance you have in this moment is to make the workers' stories as public as possible with the support of local elected leaders, faith, allied employers and community leaders taking visible action to demand all workers be released. Work closely with local immigration attorneys to come up with the best possible legal strategy toward that goal; for example, filing for stay of removals for all workers involved in the raid who are undocumented. This deportation defense guide also may be helpful for the Rapid Response Team to review.<sup>15</sup>

**3. Local labor leaders should make the following calls:**

- **National AFL-CIO**—explain the situation and request any specific forms of assistance or support needed.
- **Director of ICE Field Office of Enforcement and Removal**—inquire about the workplace raid that took place. The goal is to make sure the ICE office knows we are aware, concerned and watching their every step, as well as to gather as much intelligence as we can about their operations. For example, was this the only location raided, or were there others? How many workers do their records show were arrested? Where were those workers taken? In addition, was there collaboration with local law enforcement? Find contact info for your local ICE Field Office of Enforcement and Removal and the name of the director at this website: [www.ice.gov/contact/ero](http://www.ice.gov/contact/ero).
- **Local county sheriff's office**—ask to speak to the sheriff or his/her community outreach staff to inquire about the workplace raid that took place. The goal here is to make sure the sheriff's office knows we are aware and concerned, as well as to gather as much intelligence as we can about the operation. Most importantly with this call, we want to collect any intelligence to confirm and prove if there was any collaboration between ICE and the sheriff's office.
- **Local police department**—ask to speak to the chief or his/her community outreach staff to inquire about the workplace raid that took place. The goal here is to make sure the police department knows we are aware and concerned, as well as to gather as much intelligence as we can about the operation. Most importantly with this call, we want to collect intelligence to determine whether there was any collaboration between ICE and the local police department.

- **Local elected officials**—inform them of the situation and activate them to do two things:
  - 1) Call the local or national ICE Office of Enforcement and Removal to request that stay of removals be granted to all workers immediately; and
  - 2) Join the labor movement in a public statement or press conference demanding all workers be released and be granted stay of removals.

**4. Assess whether the workplace raid that occurred in your community** was an isolated operation by ICE or if it was part of a series of workplace raids that took place that day or even that week. This also will help determine whether your local campaign can be connected to a national effort and collectively can put more pressure on ICE to release all workers.

**5. Talk to family members of workers detained** to make sure that: a) they know what happened and where their loved ones are; b) they put their family emergency plan into action; and c) you find out what other support they need at that moment to feel safe. Work with local labor, community and faith groups, and United Way labor liaisons, to coordinate support for these families.

**6. Organize and mobilize for a vigil outside the facility where workers are detained on that first evening after the workplace raid took place.** If possible, this also can be the press event where local elected officials show their support and stand together with the families of those workers affected to demand the release of all workers and grant them stay of removals. Be aware that under the Trump administration, we have seen immediate retaliation against individuals who have been publicly outspoken about the deportation cases<sup>16</sup> of their family members; therefore, make sure to have immigration attorneys at the vigil in case of enforcement activity that may take place at the vigil itself. Family members must be made aware of the risks, but ultimately it is their decision if they want to be public and come forward.

**7. Launch an online petition in support of these workers.**<sup>17</sup>

**8. The union that represents affected workers should send an official letter** to the Local ICE Field Office of Enforcement and Removal director regarding the workplace raid (see *Appendix T*).

**9. Collect as many letters of support for these workers as possible** from community- and labor-based organizations, clergy and elected officials, local business owners and perhaps even the local Chamber of Commerce.

**10. From here, the Rapid Response Team/network should consider every possible tactic and manner of escalation** that could be effective in getting all workers released. As organized labor, we have a duty to represent every single member of a union, and therefore we should consider every option we may have to get our members released and back at work without facing any retaliation.

## VIII. GUIDANCE ON SOCIAL SECURITY ADMINISTRATION “NO-MATCH” LETTERS

Another notice of concern to labor advocates is the potential resumption of the Social Security Administration’s “no-match” letters. These letters indicate to employers that the Social Security number provided by an employee does not match the SSA’s records, and thus the employee is not receiving the benefit of Social Security withholdings. The “no-match” letters issued by the SSA are not intended to serve as constructive knowledge to employers that an employee is not authorized to work in the United States. However, when conducting I-9 audits, ICE agents frequently request copies of “no-match” letters received by employers.

The “no-match” letter itself states that the notice alone cannot provide the basis for adverse action against an employee. Instead, the employer is instructed to provide the employee with a “reasonable” amount of time to resolve the discrepancy with the SSA. The Department of Justice’s Immigrant and Employee Rights Section suggests that 120 days is an appropriate amount of time<sup>18</sup> (see *Appendix U, Sample “No-Match” Letter*). “No-match” letters have not been issued in several years, but current or future administrations may revive them and/or revise this version. Additionally, current or future administrations also may interpret related policies differently. For a list of resources on this matter, visit [www.justice.gov/crt/ssa-no-match-guidance-page](http://www.justice.gov/crt/ssa-no-match-guidance-page).

Employers also may verify a worker’s Social Security number assignment through the SSA database and generate a “no-match” letter. Employers verify through the SSA’s internet-based systems: the Social Security Number Verification Services or the Consent-Based Social Security Number Verification, which is when the employer has a third party check the SSN (see *Appendix W, Sample Letter Regarding SSN Verification/Background Checks*).

### A. CASE LAW

Practitioners should be aware of two decisions in the case law that guide potential responses to SSA no-match letters. (See *Appendix V* for a sample letter from a union to an employer about an SSA “no-match” letter.

- In *Aramark Educ. Svcs. Inc.*, the National Labor Relations Board in a two-member decision upheld an administrative law judge’s holding that an employer was required to bargain with the union regarding its SSA “no-match” policy.<sup>19</sup> The policy at issue required employees to take steps to correct discrepancies within 14 days, and to fully correct problems within 90 days or face suspension.<sup>20</sup>
- In *Aramark Facility Svcs. v. SEIU Local 1877*, the 9th U.S. Circuit Court of Appeals held that the mere receipt of an SSA “no-match” letter could not lead to a finding of constructive knowledge.<sup>21</sup> Further, the court found that providing employees with three days from the receipt of the “no-match” letter to correct discrepancies was not a “reasonable” amount of time, and thus, a failure to correct in that time period could not lead to constructive knowledge on the part of the employer.<sup>22</sup> The court reinstated an arbitration award against the employer for taking adverse action against its employees in response to the “no-match” letters.<sup>23</sup>

## **B. MAJOR CONTRACT PROVISIONS REGARDING SSA “NO-MATCH” LETTERS**

Ideally, these issues will be addressed formally in a collective bargaining agreement. Below is a list of major bargainable provisions regarding “no-match” letters. These provisions closely mirror the points listed above, but bargaining for them with the employer *before* a letter is received from SSA will put the union and the workers in the best possible position when it occurs.

- The employer will notify the union upon receipt of any such notice and will provide a copy of the notice to all employees listed on the notice and to the union.
- A “no-match” letter from the Social Security Administration shall not itself constitute a basis for taking adverse employment action against an employee, including firing, laying off, suspending, retaliating or discriminating against any such employee.
- The employer will not require that employees listed on the notice to bring in a copy of their Social Security card for the employer’s review, complete a new I-9 form, or provide a new or additional proof of work authorization of immigration status.

See Section IX and Appendix X for examples of specific contract language regarding immigration matters.

## IX. SAMPLE UNION CONTRACT LANGUAGE ON IMMIGRATION PROTECTIONS

In order to strengthen worker protections and clarify procedures, unions may bargain with employers over potential responses to irregularities in immigration status and other related issues. In the event of an upcoming contract negotiation or labor management session, union representatives may want push for inclusion of some of the following immigration-related provisions in the collective bargaining agreement or relevant side agreements.

### Sample Contract Language

**General Principles:** The union and the employer have a mutual interest in avoiding the termination of trained employees. Accordingly, to the extent not addressed by this agreement, the union and the employer will negotiate over issues related to compliance with the Immigration Reform and Control Act and any other current or future legislation, government rules or policies related to immigrants.

#### **Protection of Rights During Workplace Immigration Enforcement:**

The employer will promptly notify the shop steward and union if the company is contacted by the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), a branch of DHS, for any purpose or if a search and/or arrest warrant, administrative subpoena or other request for documents is presented in order that the union can take steps to protect the rights of its members. Further, the employer will:

1. Refuse admittance of any agents of DHS or ICE who do not possess a valid warrant signed by a federal judge or magistrate.
2. Not reveal to the DHS names, addresses or immigration status of any employee, except pursuant to a valid warrant or subpoena signed by a federal judge, magistrate or immigration officer designated by the DHS.
3. Permit inspect of I-9 forms by DHS or DOL only after a minimum of three written days' notice. The employer shall provide no documents other than the I-9 forms to the DHS for inspection in the absence of a valid DHS administrative subpoena, or a search warrant or subpoenas signed by a federal judge or magistrate.
4. Where a warrant specifically names certain individuals or the DHS presents a warrant or subpoena, which requires the production of I-9 forms, the inspection shall be permitted and individuals shall be called into the front office.
5. Where DHS notifies the employer that certain employees do not appear to be authorized for continued employment, the company will provide the employees with a reasonable opportunity of not less than two weeks to present other documents as listed on Form I-9 to establish their employment authorization.
6. Nothing in this provision shall be interpreted to limit the employee's rights to continued employment under the "receipt rule," which grants employees ninety (90) days to present to the company a replacement document of a previously issued but expired employment authorization.
7. It is acknowledged that this agreement shall not be interpreted to cause the company to knowingly hire or continue the employment of any person not authorized to work in the United States as prohibited by IRCA 8 U.S.C. 1324a(a)(1)(A)(2).

**Employer Self-Audits:** Absent such form notice from DHS, ICE or any other federal state or local enforcement agency, the employer will not conduct an audit or any other type of inspection of its I-9 forms or personnel records, and will not allow any other private or public entity to conduct such an audit or inspection.

**I-9 Forms:** The employer will maintain employee I-9 forms in a file separate from personnel records, as required by law. The employer will not duplicate, either by photocopy, electronically or any other method, the documents provided by the employee in connection with the I-9 process, and will not retain any copies, however obtained, in any files.

**Verification and Re-Verification of Work Authorization:** The employer will not require or demand proof of immigration status, except as may be required by 8 U.S.C. 1324A(B) and listed on the back of the I-9 form. Further, the employer will not require that an employee re-verify his or her authorization to work unless the employer obtains actual or constructive knowledge that the employee is not authorized to work in the United States. “Actual or constructive knowledge” means such knowledge that would subject the employer to liability under the “employer sanctions” provisions of the immigration laws, 8 U.S.C. 1324a. Further, the employer will not require employees engaged in “continuing employment” to provide proof of work authorization, including Social Security numbers.<sup>24</sup>

“Re-verification” means requesting that an employee show documents that purport to prove their authorization to work in the United States, and includes a request to provide proof of a valid Social Security number. In the event that the employer determines it has the requisite “actual or constructive knowledge” that requires that it re-verify an employee’s authorization to work, the employer will:

1. Prior to notifying the employee, notify the union and provide the union with the factual basis for that determination;
2. Afford the employee a reasonable period of time of not less than 120 days to establish work authorization; and
3. Not take any adverse employment action against the employee unless the employer has complied with sections 1. and 2. above, and is required to do so by law.

**Transfer of I-9 Forms:** No employee shall be required to re-verify status in circumstances constituting “continuing employment.” In the event of a sale of the business or its assets or other business reorganization that transfers the employees to a different entity, the employer shall transfer the I-9 forms of its employees to the new employer and shall condition such sale on the successor employer’s written agreement to use transferred I-9 forms to satisfy obligations with respect to I-9 forms (*this obligation also should be incorporated specifically into the owner and operators’ successorship obligations*).

**Inquiries into Immigration Status:** The employer will not ask any employee, either orally or in writing, to respond to questions or provide documentation of immigration status, except as required by law. If the employer determines that such a request is required by law, the employer will provide the employee(s) and the union with a detailed explanation for the request, in writing, citing the factual and legal basis for the request. The union will have two weeks to reply to the request. The employee

will not be required to respond to questions or provide the requested documentation while the union and the employer attempt to resolve a dispute under this section.

**Employer Participation in Employer Verification Pilot Projects:** The employer will not participate in any computer or online verification of immigration or work authorization status, except as required by law.

**Corrections to Records:** An employee may notify the employer of a change in name or Social Security number and the employer will modify its records to reflect such changes. Such employees shall not have their seniority of employment status affected, or suffer any loss of benefits as a result of notifying the employer of such changes.

The employer may not discharge or in any manner discriminate, retaliate or take any adverse action against an employee because the employee updates or attempts to update his/her personnel records to reflect a change to his/her lawful name or valid Social Security number.

**Social Security “No-Match” Letters:** In the event the employer receives notice, either by correspondence or otherwise, from the Social Security Administration (SSA) indicating that an employee’s name and Social Security number (SSN) that the employer reported on the Wage and Tax Statements (Form W-2) for the previous tax year do not agree with SSA’s records, the employer agrees to the following:

1. The employer will notify the union upon receipt of any such notice and will provide a copy of the notice to all employees listed on the notice and to the union;
2. The employer will not take any adverse action against any employee listed on the notice, including firing, laying off, suspending, retaliating or discriminating against any such employee;
3. The employer will not require that employees listed on the notice bring in a copy of their Social Security card for the employer to review, complete a new I-9 form, or provide new or additional proof of work authorization or immigration status;
4. The employer will not contact the SSA or any other governmental agency after receiving notice of a “no-match” from the SSA; and
5. The employer will not interrogate any employee about his/her Social Security number (see section “Inquiries into Immigration Status”).

**Expiration of Documents:** The employer agrees to treat an employee’s period of removal from employment due to the expiration of the employee’s work authorization document as a leave of absence without pay for a period of up to ninety (90) calendar days, and to reinstate the employee to the job without loss of seniority upon receipt of the renewal work authorization document if the employee provides appropriate documentation.

**Translation:** The employer agrees that a mutually agreeable translator will, at the employer’s cost, translate the parties’ collective bargaining agreement into the principal languages its employees read. The English version of the bargaining agreement shall govern should there be any discrepancies with the translated versions.

The employer also agrees, at the employer's cost, to translate all employment-related documents, including handbooks, disciplinary notices, policies, procedures and other notices into languages its employees read, using a mutually agreeable translator. The employer agrees to pay a mutually agreeable translator to translate during all company meetings that employees not fluent in English attend.

**Non-discrimination:** The employer shall not discipline, discharge or in any other form discriminate against any employee because of his/her national origin or immigration status, or because immigration hearings and/or deportation hearings are initiated or are pending. An employee subject to immigration or deportation proceedings shall retain employment so long as the employee is authorized to work in the United States.

No employee covered by this agreement shall suffer any loss of seniority, compensation or benefits due to any changes in the employee's name or Social Security number, provided that the new Social Security number is valid and the employee is authorized to work in the United States.

Such employees, if "grandfathered" pursuant to the immigration Reform and Control Act of 1986 (IRCA) or processing work authorization or are able to provide documents sufficient to complete I-9, shall retain employment until such date as their situation requires them to leave the country.

**Remedies:** If the employer violates any provision of this article and such violation directly or indirectly leads to the termination or resignation of any employee, the employer shall, in addition to any other remedies awarded by the arbitrator, reinstate and make the employee whole. If a reinstatement and/or make whole remedy is not permitted due to the employee's immigration status, the employer shall make an equivalent payment to \_\_\_\_\_. [e.g., *a Labor Management Fund, an employee assistance fund (as long as it is not controlled by the union), a nonprofit, etc. The money cannot be paid directly to the union.*]

**Citizenship:** Upon request, employees shall be released for up to five unpaid working days during the term of this agreement in order to attend U.S. Citizenship and Immigration Services proceedings and any related matters for the employee only. The employer may request verification of the reason for such absence.

On the day an employee becomes a U.S. citizen, the employer will compensate the employee with a one-time paid personal holiday in recognition of his or her citizenship.

**Leaves of Absence for Immigration-Related Issues:** In the event that an employee has a problem with his or her right to work in the United States, after completing his or her introductory or probationary period, the employer shall notify the union in writing, and upon the union's request, agree to meet with the union to discuss the nature of the problem to see if a resolution can be reached. Whenever possible, this meeting shall take place before any action by the employer is taken.

The union and the employer have an interest in avoiding the necessity of terminating trained employees due to the employee losing his/her authorization to work in the United States. In order to assist employees in a timely manner to take advantage of the prepaid legal services plan and/or other assistance provided by the union regarding immigration matters, the employer agrees to share with the union, upon request, authorizations that are going to expire in the 60-day period following the request.

In the event that an employee does not provide adequate proof that he/she is authorized to work in the United States after his/her probationary or introductory period, and his/her employment is terminated for this reason, the employer agrees to immediately reinstate the employee to his/her former position, without loss of prior seniority (but length of service for vacation or other benefits does not continue to accrue during the period of absence) upon the employee providing proper paperwork authorization within 12 months from the date of termination.

If the employee needs additional time, the employer will rehire the employee into the next available opening in the employee's former classification, as a new hire without seniority, upon the employee providing proper work authorization within a maximum of 12 additional months.

The employer will furnish to any employee terminated because he/she has not provided adequate proof he/she is authorized to work in the United States a personalized letter stating the employee's rights and obligations under this section.

**Limited-English Proficient Workers:** While English is the language of the workplace, the employer recognizes the right of employees to use the language of their choice among themselves.

The employer shall work with the union to provide English as a Second Language (ESL) and literacy classes to employees at the worksite, either directly or in partnership with not-for-profit ESL providers.

The employer agrees that any employee who is disciplined or discharged must be provided with notice in the language in which he/she is most fluent and any meetings that may lead to or concern discipline or discharge must be conducted in the language in which the employee is most fluent.

**Legal Services:** The parties agree to jointly establish and participate in a fund, known as the \_\_\_\_ Fund, for the purpose of providing legal assistance to bargaining unit employees in connection with immigration and naturalization proceedings. The fund shall at all times meet the criteria of §302(c) (8) of the Labor-Management Relations Act of 1947, and contributions thereto shall be tax deductible by the employer. The employer shall contribute \$0.\_\_\_\_ per hour for each hour worked effective (date). As used in this section, "hours worked" shall mean all hours for which an employee may be compensated, including paid time off hours.

Contributions to the fund shall be delinquent after the fifteenth (15th) day of each month for hours worked the previous month. Reporting procedures and interest on delinquent contributions shall be established by the trustees of the fund. By execution of this agreement, the employer hereto agrees to accept and be fully bound by the terms of the fund's Trust Agreement and Plan, and any

subsequent amendments thereto. Any disputes or differences of opinion concerning the initial terms of the Trust Agreement and Plan shall be subject to arbitration under this agreement.

**Federal Contracts:** If the employer submits a bid for a federal contract that requires the employer to use E-Verify, the employer will promptly provide the union with a copy of that bid.

If the employer enters into a federal contract that requires the employer to use E-Verify, the employer will provide the union with a copy of that contract within five (5) days of the award date of the contract.

If the employer bids on or enters into a federal contract that requires the employer to use E-Verify, the employer will meet with a representative of the union to discuss the E-Verify requirement and comply with any reasonable request by the union that the employer object to inclusion of the E-Verify clause in the federal contract.

The employer will not agree to modify any federal contracts entered into before Sept. 8, 2009, to include a requirement that the employer participate in E-Verify.

If the employer enters into a federal contract that requires the employer to use E-Verify, the employer will use E-Verify only for (a) new hires; and (b) existing employees who work on the federal contract; and will not use E-Verify for existing employees (a) who do not work on the federal contract; or (b) who normally perform support work, such as indirect or overhead functions, and who do not perform any substantial duties under the federal contract. Before using E-Verify, the employer will meet with the union and reach agreement on which employees are working on the federal contract and must be verified.

The employer will not verify any existing employees in E-Verify until 120 days after the award date of a federal contract that requires the employer to use E-Verify.

Before verifying any existing employees in E-Verify, the employer will give employees 90 days' advance notice. Any employee who decides to resign in lieu of being checked in E-Verify will be given a severance payment of \$\_\_\_\_\_.

**Management Training:** The employer shall train all managers and supervisors on the immigration components of this contract within one (1) month of agreement to its terms, and thereafter within six months of hiring any new manager or supervisor.

We took information for this section from the Immigration A-Z curriculum of the Bonnie Ladin Union Skills Training Program, held June 20–24, 2016.

## Endnotes

- 1 I-9 Central, [www.uscis.gov/i-9-central](http://www.uscis.gov/i-9-central), (2017).
- 2 Kunichoff, Y., "Faced with I-9 immigration raid during negotiations, Chicago meatpacking workers walked off the job," In These Times magazine, July 9, 2015, [available at http://inthesetimes.com/working/entry/18176/confronted\\_with\\_an\\_immigration\\_raid\\_during\\_negotiations\\_meatpacking\\_workers](http://inthesetimes.com/working/entry/18176/confronted_with_an_immigration_raid_during_negotiations_meatpacking_workers).
- 3 Wickham, A., "I-9 Audits Experienced Steep Drop In Recent Fiscal Years," Law 360, Nov. 2, 2015, [available at www.law360.com/articles/722268/i-9-audits-experienced-steep-drop-in-recent-fiscal-years](http://www.law360.com/articles/722268/i-9-audits-experienced-steep-drop-in-recent-fiscal-years).
- 4 See ICE guidance for employers who conduct self-audits, [available at www.ice.gov/sites/default/files/documents/Document/2015/i9-guidance.pdf](http://www.ice.gov/sites/default/files/documents/Document/2015/i9-guidance.pdf).
- 5 A copy of the MOU can be found at [www.dol.gov/asp/media/reports/DHS-DOL-MOU.pdf](http://www.dol.gov/asp/media/reports/DHS-DOL-MOU.pdf) and a copy of the addendum, including NLRB and EEOC, can be found at [www.dol.gov/sites/default/files/documents/MOU-Addendum.pdf](http://www.dol.gov/sites/default/files/documents/MOU-Addendum.pdf).
- 6 Department of Labor, "Revised Memorandum of Understanding Between the Department of Homeland Security and the Department of Labor Concerning Enforcement Activities at Worksites," [available at www.dol.gov/asp/media/reports/DHS-DOL-MOU.pdf](http://www.dol.gov/asp/media/reports/DHS-DOL-MOU.pdf) and the addendum, [available at www.dol.gov/sites/default/files/documents/MOU-Addendum.pdf](http://www.dol.gov/sites/default/files/documents/MOU-Addendum.pdf).
- 7 Edge, P., "Guidance on Civil Inspections of the Employment Eligibility Verification Form (Form I-9) During Labor Disputes," U.S. Immigration and Customs Enforcement, May 10, 2016.
- 8 Smith, R., Avendano, A. and Martínez Ortega, J., "Iced Out: How Immigration Enforcement Has Interfered With Workers' Rights," National Employment Law Project, AFL-CIO and the American Rights at Work Education Fund, October 2010, [available at http://digitalcommons.ilr.cornell.edu/laborunions/29/](http://digitalcommons.ilr.cornell.edu/laborunions/29/).
- 9 ICE June 17, 2011, memo, "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs," [available at www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf](http://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf).
- 10 Smith, R., Avendano, A. and Martínez Ortega, J., "Iced Out: How Immigration Enforcement Has Interfered With Workers' Rights," see Footnote 8.
- 11 Johnson, J., "Policies for Apprehension, Detention, and Removal of Undocumented Immigrants," Department of Homeland Security, Nov. 20, 2014, [available at www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_prosecutorial\\_discretion.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf).
- 12 Foley, Elise, "Immigration Advocates: Ice is 'Out of Control,'" Oct. 8, 2014, The Huffington Post, [available at www.huffingtonpost.com/2014/10/08/immigration-ice\\_n\\_5951970.html](http://www.huffingtonpost.com/2014/10/08/immigration-ice_n_5951970.html).
- 13 ICE June 17, 2011, memo, "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs," see Footnote 9.
- 14 A Certificate of Disposition is a one-page certified record of what happened in a particular criminal case. Certificates of Disposition are available from the clerk's office in either the criminal court or the Supreme Court in your city or county.
- 15 Canizales, C. et al., "Deportation Defense: A Guide for Members of Congress and Other Elected Officials," 2004, [available at www.notonemoredeportation.com/wp-content/uploads/2014/06/DeportationDefenseGuide\\_2014\\_print.pdf](http://www.notonemoredeportation.com/wp-content/uploads/2014/06/DeportationDefenseGuide_2014_print.pdf).
- 16 Sophia Tesfaye, "Dreamer detained by ICE moments after speaking at immigration rally," March 1, 2017, [www.salon.com/2017/03/01/dreamer-detained-by-ice-moments-after-speaking-at-immigration-rally/](http://www.salon.com/2017/03/01/dreamer-detained-by-ice-moments-after-speaking-at-immigration-rally/).
- 17 [www.action.mijente.net/](http://www.action.mijente.net/).
- 18 OSC Frequently Asked Questions, [www.justice.gov/sites/default/files/crt/legacy/2010/12/29/FAQs.pdf](http://www.justice.gov/sites/default/files/crt/legacy/2010/12/29/FAQs.pdf).
- 19 *Aramark Educ. Servs.*, 335 NLRB 60, 60 (2010).
- 20 *Id.* at 65.
- 21 *Aramark Facility Servs. v. SEIU Local 1877*, 530 F.3d 817, 826 (9th Cir. 2008).
- 22 *Id.* at 829.
- 23 *Id.* at 832.
- 24 "Continuing employment" includes but is not limited to situations set forth in 8 CFR 1324a.2(b)(1)(viii):
  1. The employee takes approved paid or unpaid leave on account of study, illness or disability of a family member, illness or pregnancy, maternity or paternity leave, vacation, union business or other temporary leave approved by the employer;
  2. The employee is promoted, demoted or gets a pay raise;
  3. The employee is laid off for lack of work;
  4. The employee is on strike or in a labor dispute;
  5. The employee is reinstated for disciplinary suspension or wrongful termination, found unjustified by any court, arbitrator or administrative body, or otherwise resolved through reinstatement settlement;
  6. The employee transfers from one distinct unit of an employer to another distinct unit of the same employer; the employer may transfer the employee's Form I-9 to the receiving unit; or
  7. The employee continues his or her employment with a related successor, or reorganized employer, provided that the employer obtains and maintains from the previous records and Forms I-9 were applicable; or
  8. An individual is engaged in seasonal employment.

# X. APPENDICES

# **APPENDIX A**

## **I-9 Requirements— Document List**

Ever since the passage of the Immigration Reform and Control Act in 1986, employers have had to verify the employment authorization of each employee they hire. This is done with the I-9 form, a copy of which must be completed for each newly hired employee. IRCA is enforced by the U.S. Citizenship and Immigration Services (formerly known as the INS); the agency's home page is at [www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis).

The USCIS has a handbook with detailed guidance on the I-9 form, including frequently asked questions and answers on employment eligibility verification and I-9 forms at the following link: [www.uscis.gov/files/form/m-274.pdf](http://www.uscis.gov/files/form/m-274.pdf).

The main things for employers to keep in mind about I-9s are:

- they are completed only for employees, not applicants;
- the documents are either one unexpired document from List A (documents showing both identity and work authorization), or one unexpired document from List B (documents showing identity) and one unexpired document from List C (documents showing work authorization);
- the lists show several different documents that are acceptable—employers may not insist on certain documents for I-9 purposes;
- use only the latest version of the I-9 form (dated Nov. 14, 2016), available as a free download on the USCIS website at [www.uscis.gov/i-9](http://www.uscis.gov/i-9); and
- keep the I-9 records for at least three years past the date of hire, or one year after the employee leaves the job, whichever is later (however, it's a good idea to keep all employment records at least seven years after the employee leaves employment).

The latest version of the I-9 form (Nov. 14, 2016) is available on the USCIS website at [www.uscis.gov/i-9](http://www.uscis.gov/i-9), and shows on page 3 a slightly different list of acceptable documents than appears in the actual regulation (shown at the end of the page). The following is a list of the acceptable documents as they appear on the most recent Form I-9 (*all documents must be unexpired*):

### List A: Documents that Establish Both Identity and Employment Authorization

1. U.S. Passport or U.S. Passport Card



## 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)



## 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa



## 4. Employment Authorization Document that contains a photograph (Form I-766)



5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:
- a. Foreign passport; and
  - b. Form I-94 or Form I-94A that has the following:
    - i. The same name as the passport; and
    - ii. An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.



6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI



## List B: Documents that Establish Identity

1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address



2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address



3. School ID card with a photograph
4. Voter's registration card
5. U.S. Military card or draft record
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

**(For persons younger than 18 who are unable to present a document listed above:)**

10. School record or report card
11. Clinic, doctor or hospital record
12. Day care or nursery school record

## List C: Documents that Establish Employment Authorization

1. A Social Security Account Number card, unless the card includes one of the following restrictions:
  - a) NOT VALID FOR EMPLOYMENT
  - b) VALID FOR WORK ONLY WITH INS AUTHORIZATION
  - c) VALID FOR WORK ONLY WITH DHS AUTHORIZATION



2. Certification of Birth Abroad issued by the Department of State (Form FS-545)



3. Certification of Report of Birth issued by the Department of State (Form DS-1350)



4. Original or certified copy of birth certificate issued by a State, county, municipal authority or territory of the United States bearing an official seal



5. Native American tribal document

[No image available.]

6. U.S. Citizen ID Card (Form I-197)



7. Identification Card for Use of Resident Citizen in the United States (Form I-179)



8. Employment authorization document issued by the Department of Homeland Security

The most recent version of the regulation is found in USCIS regulation 8 C.F.R. 274a.2(b); it is uncertain when the next revision will be posted, but the home page for e-CFR (the Electronic Code of Federal Regulations) is at [www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl), and the latest online copy of the regulation can be searched for by using the Browse box to go to Title 8, clicking on Parts 1–499, then on “274a.1 to 274a.14,” then on “§274a.2”; scroll down until you come to subsection (b)(1) (v)). The July 22, 2010, version of the regulation is reproduced in pertinent part below:

**CODE OF FEDERAL REGULATIONS  
TITLE 8—ALIENS AND NATIONALITY**

**CHAPTER I—  
DEPARTMENT OF HOMELAND SECURITY (IMMIGRATION AND NATURALIZATION SERVICE)**

**PART 274a—CONTROL OF EMPLOYMENT OF ALIENS—Table of Contents**

**Subpart A—Employer Requirements**

**Sec. 274a.2 Verification of identity and employment authorization.**

**(b) Employment verification requirements—(1) Examination of documents and completion of Form I-9.**

(v) The individual may present either an original document which establishes both employment authorization and identity, or an original document which establishes employment authorization and a separate original document which establishes identity. Only unexpired documents are acceptable. The identification number and expiration date (if any) of all documents must be noted in the appropriate space provided on the Form I-9.

**[List A]**

(A) The following documents, so long as they appear to relate to the individual presenting the document, are acceptable to evidence both identity and employment authorization:

1. A United States passport;
2. An Alien Registration Receipt Card or Permanent Resident Card (Form I-551);
3. A foreign passport that contains a temporary I-551 stamp, or temporary I-551 printed notation on a machine-readable immigrant visa;
4. An Employment Authorization Document which contains a photograph (Form I-766);
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with a Form I-94 (see §1.4) or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form;
6. A passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI;
7. In the case of an individual lawfully enlisted for military service in the Armed Forces under 10 U.S.C. 504, a military identification card issued to such individual may be accepted only by the Armed Forces.

**[List B]**

(B) The following documents are acceptable to establish identity only:

1. For individuals 16 years of age or older:
  - i. A driver's license or identification card containing a photograph, issued by a state (as defined in section 101(a)(36) of the Act) or an outlying possession of the United States (as defined by section 101(a)(29) of the Act). If the driver's license or identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes and address;
  - ii. School identification card with a photograph;
  - iii. Voter's registration card;
  - iv. U.S. military card or draft record;
  - v. Identification card issued by federal, state, or local government agencies or entities. If the identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address;

- vi. Military dependent's identification card;
  - vii. Native American tribal documents;
  - viii. United States Coast Guard Merchant Mariner Card;
  - ix. Driver's license issued by a Canadian government authority;
2. For individuals under age 18 who are unable to produce a document listed in paragraph (b)(1)(v)(B) (1) of this section, the following documents are acceptable to establish identity only:
    - i. School record or report card;
    - ii. Clinic doctor or hospital record;
    - iii. Daycare or nursery school record.
  3. Minors under the age of 18 who are unable to produce one of the identity documents listed in paragraph (b)(1)(v)(B) (1) or (2) of this section are exempt from producing one of the enumerated identity documents if:
    - i. The minor's parent or legal guardian completes on the Form I-9 Section 1—"Employee Information and Verification" and in the space for the minor's signature, the parent or legal guardian writes the words, "minor under age 18."
    - ii. The minor's parent or legal guardian completes on the Form I-9 the "Preparer/Translator certification."
    - iii. The employer or the recruiter or referrer for a fee writes in Section 2—"Employer Review and Verification" under List B in the space after the words "Document Identification #" the words, "minor under age 18."
  4. Individuals with handicaps, who are unable to produce one of the identity documents listed in paragraph (b)(1)(v)(B) (1) or (2) of this section, who are being placed into employment by a nonprofit organization, association or as part of a rehabilitation program, may follow the procedures for establishing identity provided in this section for minors under the age of 18, substituting where appropriate, the term "special placement" for "minor under age 18," and permitting, in addition to a parent or legal guardian, a representative from the nonprofit organization, association or rehabilitation program placing the individual into a position of employment, to fill out and sign in the appropriate section, the Form I-9. For purposes of this section the term individual with handicaps means any person who
    - i. Has a physical or mental impairment which substantially limits one or more of such person's major life activities,
    - ii. Has a record of such impairment, or
    - iii. Is regarded as having such impairment.

### **[List C]**

(C) The following are acceptable documents to establish employment authorization only:

1. A Social Security account number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States;\*
2. Certification of Birth issued by the Department of State, Form FS-545;
3. Certification of Report of Birth issued by the Department of State, Form DS-1350;
4. An original or certified copy of a birth certificate issued by a State, county, municipal authority or outlying possession of the United States bearing an official seal;
5. Native American tribal document;
6. United States Citizen Identification Card, Form I-197;
7. Identification card for use of resident citizen in the United States, Form I-179;
8. An employment authorization document issued by the Department of Homeland Security.

### **Receipts and Reverification of Documents**

8 C.F.R. § 274a.2(b)(1)(vi)(A) provides that unless the employment is for less than three business days, a receipt for a lost, stolen or damaged document will suffice for I-9 purposes as long as the replacement document itself is presented within 90 days of hire or, in the case of reverification, no later than the expiration date of the reverified document. The receipt is not acceptable, though, if the employer has actual or constructive knowledge that the employee is not authorized to work in the United States. Other receipts that are acceptable with restrictions are the arrival portion of the Form I-94 or I-94A containing an unexpired Temporary I-551 stamp and photograph, or the departure portion of Form I-94 or I-94A with an unexpired refugee admission stamp. For details on receipts, see question 17 (page 45 in the PDF online) in Publication M-274, the I-9 handbook for employers

ID cards (included in the List B documents) often cause confusion. A frequent issue is whether a driver's license is required, or some other forms of ID can suffice. A related issue is whether ID cards with expiration dates must be reverified upon expiration. First, the ID document listed first in List B does not have to be a driver's license—it can be any government-issued ID card, even a parolee's ID card if the date of birth, gender, height, eye color and address are on it. Second, regarding reverification of expired ID cards, as the note on the top of page 4 of the latest I-9 form specifies, "all documents must be unexpired" when presented for verification. However, the only expirable documents that require a tickler-based reverification procedure are those that involve work authorization, not identity. Thus, the DHS documents that expire would have to be reverified upon expiration, i.e., new, unexpired documents would have to be presented. If a document used only for identity purposes expires, that does not require reverification. See question 28 (page 47 in the PDF online) of the employer handbook, Publication M-274, which includes the following statement:

“You may not reverify an expired U.S. passport or passport card, an Alien Registration Receipt Card/ Permanent Resident Card (Form I-551), or a List B document that has expired.” Driver’s licenses and similar ID cards appear in List B.

\* SSA regulation 20 C.F.R. § 422.103(e)(3) — “Restrictive legend change defined. ... This restrictive legend appears on the card above the individual’s name and SSN. Individuals without work authorization in the U.S. receive SSN cards showing the restrictive legend, ‘Not Valid for Employment’; and SSN cards for those individuals who have temporary work authorization in the U.S. show the restrictive legend, ‘Valid For Work Only With DHS Authorization.’ U.S. citizens and individuals who are permanent residents receive SSN cards without a restrictive legend. ... ”

# **APPENDIX B**

## **Sample Notice of Inspection**



**U.S. Immigration  
and Customs  
Enforcement**

**NOTICE OF INSPECTION**

August 23, 2013

Dear Sir/Madam:

Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify the employment eligibility of persons hired after November 6, 1986 using the Employment Eligibility Verification Form I-9.

Federal regulations require the provision of three days notice prior to conducting a review of an employer's Forms I-9. This letter serves as advance notice that U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) has scheduled a review of your forms for August 29, 2013. However, you may waive the three-day period, should you wish to do so, by annotating and signing page two of this letter and advising this office of your decision.

During the review, Auditor, will discuss the requirements of the law with you and inspect your Forms I-9. In addition to the presentation of your Forms I-9, you will need to present any documents copied as part of the employment eligibility verification process. If your business utilizes software for the electronic generation and storage of Forms I-9, you will need to present: the name of the software and vendor utilized; the internal business practices/protocols related to the generation of, use of, storage of, security of, and inspection and quality assurance programs your electronically generated Forms I-9; the indexing system identifying how the electronic information contained in the Form I-9 is linked to each employee; documentation of the system used to capture the electronic signature, including the identity and attestation of the individual signing the Form I-9; and the audit trail. Further, pursuant to 8 CFR 274a.2(e)(8)(ii) Auditor, may contact you in the future to schedule a live demonstration of the creation and maintenance of an electronically generated Form I-9.

SUBJECT: Notice of Inspection

Page 2

The purpose of this review is to assess your compliance with the provisions of the law. HSI will make every effort to conduct the review of records in a timely manner so as not to impede your normal business routine. For more information on the Form I-9 inspection process please visit <http://www.ice.gov/news/library/factsheets/i9-inspection.htm>.

Sincerely,



Assistant Special Agent-in-Charge

**Waiver of the Three-Day Period**

I wish to waive the three day notice to which I am entitled by regulation.

\_\_\_\_\_  
(Printed Name)

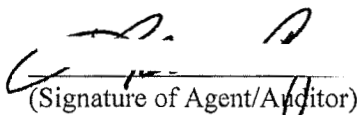
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Certificate of Service**

This Notice of Inspection was served upon the employer by me on 8/23/2013, in the following manner: (Date)

☐ In person

  
(Signature of Agent/Auditor)

\_\_\_\_\_  
(Signature of Employer if personally served)

|                                              |                                                                                                                                                                                       |                              |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. To (Name, Address, City, State, Zip Code) | <b>DEPARTMENT OF HOMELAND SECURITY</b><br><b>IMMIGRATION ENFORCEMENT</b><br><b>SUBPOENA</b><br><b>to Appear and/or Produce Records</b><br><b>8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</b> |                              |
| Subpoena Number                              |                                                                                                                                                                                       |                              |
| 2. In Reference To                           |                                                                                                                                                                                       |                              |
| Request for Documents and Forms I-9          |                                                                                                                                                                                       |                              |
| (Title of Proceeding)                        |                                                                                                                                                                                       | (File Number, if Applicable) |

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

|                                                                          |                                                                                       |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 3. (A) CBP, ICE or USCIS Official before whom you are required to appear | (B) Date 08/29/2013                                                                   |
| Name                                                                     |                                                                                       |
| Title Auditor                                                            |                                                                                       |
| Address                                                                  | (C) Time 11:00 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m. |
| Telephone Number (206) 442-2218                                          |                                                                                       |

**4. Records required to be produced for inspection**

1) Original I-9 Forms, (Employment Eligibility Verification Forms) and any copies of attached documents presented at time of I-9 completion for all current employees.

Items 2) - 12) are listed on continuation sheet.



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

|                                   |
|-----------------------------------|
| 5. Authorized Official            |
|                                   |
| (Signature)                       |
| (Printed Name)                    |
| Assistant Special Agent-in-Charge |
| (Title)                           |
| (Date)                            |

|                                                                                                                                                                                                       |                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. To (Name, Address, City, State, Zip Code)                                                                                                                                                          | <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>IMMIGRATION ENFORCEMENT</b></p> <p align="center"><b>SUBPOENA</b></p> <p align="center">to Appear and/or Produce Records<br/>8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</p> |
| Subpoena Number                                                                                                                                                                                       |                                                                                                                                                                                                                                                         |
| <p>2. In Reference To</p> <p align="center">Request for Documents and Forms I-9</p> <hr/> <p align="center">(Title of Proceeding) <span style="float: right;">(File Number, if Applicable)</span></p> |                                                                                                                                                                                                                                                         |

4. Records required to be produced for inspection continued

- 2) Employee roster or payroll report listing employees employed from August 1, 2012 to present containing the following information:
  - Full employee name (First Name, Middle Initial, Last Name) and date of birth
  - Social security number
  - Date of hire and date of termination (if applicable). If employee has multiple dates of hire, provide all dates of hire and all dates of termination occurring from August 1, 2012 to present.
- 3) A current employee weekly or monthly work schedule and any prior work schedules maintained for the last year.
- 4) Monthly Payroll Reports for July 2012 to July 2013 with wage detail by employee.
- 5) Copies of the 4 most recent Washington State Unemployment Insurance Quarterly Tax Reports (Form 5208 A) and Quarterly Wage Detail Reports (Form 5208 B).
- 6) Independent contractor roster listing the dates of hire and termination (if applicable) for all independent contractors employed from August 1, 2012 to present.
- 7) A current listing of all paid on-call individuals you employ on a sporadic, irregular, or intermittent basis and not deemed to be an employee.
- 8) Copies of any Citizenship and Immigration Services (CIS) forms I-129 or I-140 petitions and Department of Labor (DOL) ETA-750 certifications submitted or received from 2012 to present.
- 9) Copy of articles of incorporation, business license and most recent annual report.
- 10) Employer Identification Number (EIC) and Taxpayer Identification Number (TIN) documentation. Names of all Managers, Supervisors and Legal Owners.
- 11) If available, copy of company procedures or policies regarding Form I-9 preparation.
- 12) Yes or No response to the following questions:
  - Participate in E-Verify program?
  - Previously received an I-9 Inspection by the Department of Labor?
  - Obtain employees from a temporary staffing agency? If yes provide the names of the temporary staffing agencies used from August 2012 to the present.

|                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. To (Name, Address, City, State, Zip Code)                                                                                                                                                          | <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>IMMIGRATION ENFORCEMENT</b></p> <p align="center"><b>SUBPOENA</b></p> <p align="center"><b>to Appear and/or Produce Records</b></p> <p align="center"><b>8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</b></p> |
| Subpoena Number                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                         |
| <p>2. In Reference To</p> <p align="center">Request for Documents and Forms I-9</p> <hr/> <p align="center">(Title of Proceeding) <span style="float: right;">(File Number, if Applicable)</span></p> |                                                                                                                                                                                                                                                                                         |

**4. Records required to be produced for inspection continued**

**Supplemental Disclosure Information**

ICE often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not ICE makes its files available to other governmental agencies is, in general, a confidential matter between ICE and such other governmental agencies.

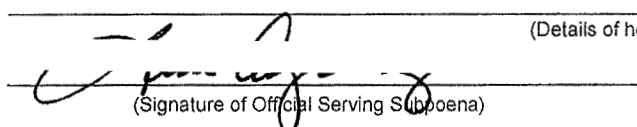
Information you give may be used against you in any federal, state, local or foreign administrative civil or criminal proceeding.

**CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF RECEIPT**

**A. CERTIFICATE OF SERVICE**

I certify that on 08/23/2013, I served this subpoena on the witness named in Block 1 in the following manner:  
(Date)

(Details of how service was effected)

  
(Signature of Official Serving Subpoena)

(Printed Name of Official Serving Subpoena)

Auditor

(Title of Official Serving Subpoena)

**B. ACKNOWLEDGMENT OF RECEIPT**

I acknowledge receipt of a copy of the subpoena on the front of this form.

Signature

Title

Date

Time

☐ a.m.  
☐ p.m.

**Immigration & Customs Enforcement and  
US Citizenship & Immigration Services  
WEBSITE ADDRESSES**

I-9 Central [www.uscis.gov/I-9Central](http://www.uscis.gov/I-9Central)  
Forms, Instructions, Q&A's, Including:

1. Handbook for Employers [www.uscis.gov/files/form/m-274.pdf](http://www.uscis.gov/files/form/m-274.pdf)  
Released March 8, 2013

2. Form I-9 [www.uscis.gov/i-9](http://www.uscis.gov/i-9)

3. IMAGE PROGRAM <http://www.ice.gov/image/>

[Benefits](#)

[FAQs](#)

[IMAGE Best Employment Practices](#)

[Members](#)

[Partners](#)

[Videos](#)

[IMAGE Forum Presentations](#)

[Request Information](#)

[IMAGE Flyer](#)

[IMAGE Brochure](#)

[USCIS Form I-9 & E-Verify Webinars](#)

[E-Verify Connection  
Newsletter](#)

4. E-Verify Program [www.uscis.gov/e-verify](http://www.uscis.gov/e-verify)  
How to enroll, Free webinars, Blogs, Videos,  
Q&A's for employers & employees

# **APPENDIX C**

## **Sample Letter Union Response to Notice of Inspection**

*[Date]*

*[Employer name and contact information]*

Re: DHS/ICE I-9 Audit

Dear *[Employer Representative]*:

*[Union]* represents the workers employed by *[Company]*. The union has learned that the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) has notified *[Employer]* of its intent to audit your company's employee I-9 forms and other employment records. While the union understands your obligations to comply with federal immigration law, we are writing to remind you of your bargaining obligations under the National Labor Relations Act and the existing collective bargaining agreement.

First, notwithstanding the government audit of your company's I-9 forms, all workers are entitled to representation. For this reason, we are demanding to meet with you to negotiate the type of documentation needed and the timing of *[Company's]* activities in connection with the audit. Among the matters we wish to address is the length of time provided to employees to establish that they are authorized to work. Such topic is a term and condition of employment and as such constitutes a mandatory subject of bargaining. See *Washington Beef, Inc.*, 328 NLRB 612 (1999) (employer violated Section 8(a)(5) by refusing to bargain over time period for workers to provide new documents).

In order to comply with your bargaining obligations, the union recommends that you request an extension of time from the DHS/ICE special agent in charge to respond to the government's request for inspection of your company's I-9 forms.

Second, prior to meeting with any worker, we request that you provide the union with a list of every worker who is a subject of the audit and specifically identify any alleged deficiency in their I-9 form or work authorization or identity documents. ICE should understand that workers have the right to union representation and legal representation concerning immigration issues. Such representation cannot be effectively provided if the specific subject matter of the audit is not shared with them.

Please let me know at your earliest convenience if you will be producing the documents requested and allowing the parties to bargain as requested in this letter.

Sincerely,  
*[Advocate]*

# **APPENDIX D**

## **Notice of Suspect Documents**

*Homeland Security Investigations  
Special Agent in Charge*

U.S. Department of Homeland Security  
10 Causeway Street Room 722  
Boston, MA 02222



**U.S. Immigration  
and Customs  
Enforcement**

**NOTICE OF SUSPECT DOCUMENTS**

Dear [REDACTED]:

On [REDACTED] Special Agents of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) conducted an inspection of [REDACTED] to determine compliance with Section 274A of the Immigration and Nationality Act (INA). During that inspection, the requirements of the law were discussed and Forms I-9 were inspected.

This letter is to inform you that, according to the records checked by HSI, the following individual(s) appear, at the present time, not to be authorized to work in the United States (see attachment). The documents submitted to you were found to pertain to other individuals, or there was no record of the alien registration numbers being issued, or the documents pertain to the individuals, but the individuals are not employment authorized or their employment authorization has expired. Accordingly, the documentation previously provided to you for these employees does not satisfy the Form I-9 employment eligibility verification requirements of the INA.

Unless the employees listed in the attachment present valid identification and employment eligibility documentation acceptable for completing the Form I-9, other than the documentation previously submitted to you, they are considered by HSI to be unauthorized to work in the United States. Continued employment of individuals who are not authorized to work in the United States may result in civil penalties ranging from \$375 to \$3,200 per unauthorized alien for a first violation. Higher penalties can be imposed for a second or subsequent violation. Further, criminal charges may be brought against any person or entity which engages in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens. This is a very serious matter that requires your immediate attention.

Notice of Suspect Documents  
Page 2

Section 274A(2) of the Immigration and Nationality Act (INA) makes it unlawful for a person or other entity, after hiring an alien for employment, to continue to employ the alien knowing that the alien is, or has become, unauthorized for employment. By regulation, knowingly includes not only actual knowledge, but also knowledge which may be fairly inferred through a notice of certain facts and circumstances that would lead a person, through the exercise of reasonable care, to know about an individual's unlawful employment status.

Once HSI notifies an employer that an employee may have presented documents that appear to be suspect or invalid as proof of employment eligibility, it is incumbent on the employer to take reasonable actions to verify the employment eligibility of the employee. Verification of employment eligibility must be conducted in the time reasonably necessary to determine the employment eligibility status of the individual concerned. The law does not allow for any period of continued employment of an unlawful employee, nor authorize any delay in the verification of the employment status of an employee for the purpose of replacing terminated employees.

HSI presumes that employers who, within 10 business days of receiving a Notice of Suspect Documents letter, verify the work authorization of suspect employees or take other appropriate actions to resolve the apparent employment of unauthorized workers to have demonstrated reasonable care under the INA. In all other cases, reasonable care will depend upon the specific facts present and how the facts affect an employer's ability to verify the status of suspect employees. An employer who fails to exercise reasonable care in verifying an employee's work authorization after being issued a Notice of Suspect Documents letter may be subject to civil penalties under the INA.

In the event that you or an employee challenges the finding of suspect documents, please contact Auditor [REDACTED]. HSI will verify the documents presented and notify the employer of our findings by a Confirmation of Notice of Inspection Results or Change to Notice of Inspection Results letter. During the pendency of the verification, the employer should not terminate the employment of the individual.

If you or the employees have any other questions, please call the HSI contact noted above.

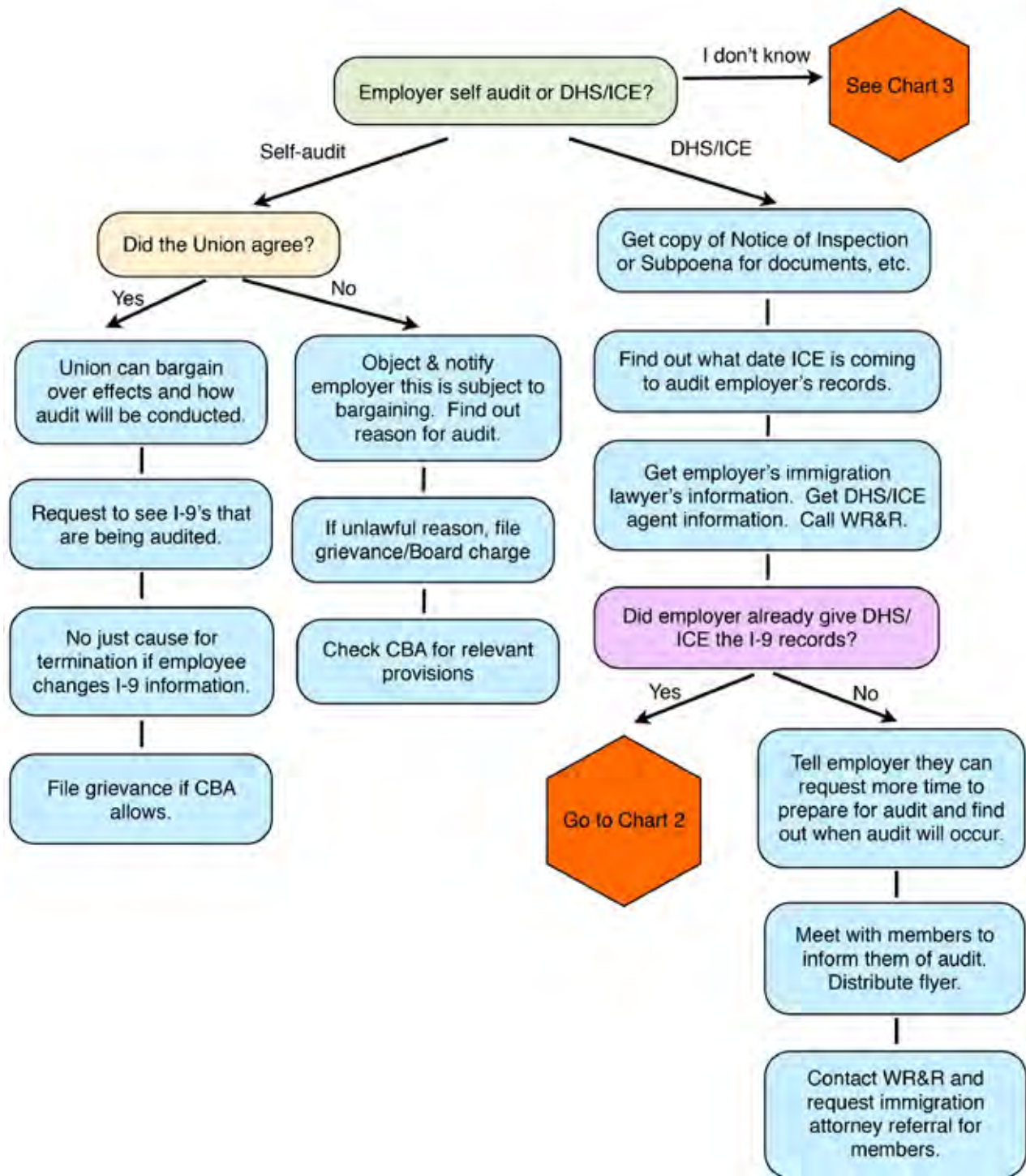
Sincerely,

A handwritten signature in black ink is written over a thick black horizontal redaction bar. Below the signature, there is another thick black horizontal redaction bar, likely covering the name and title of the signatory.

# APPENDIX E

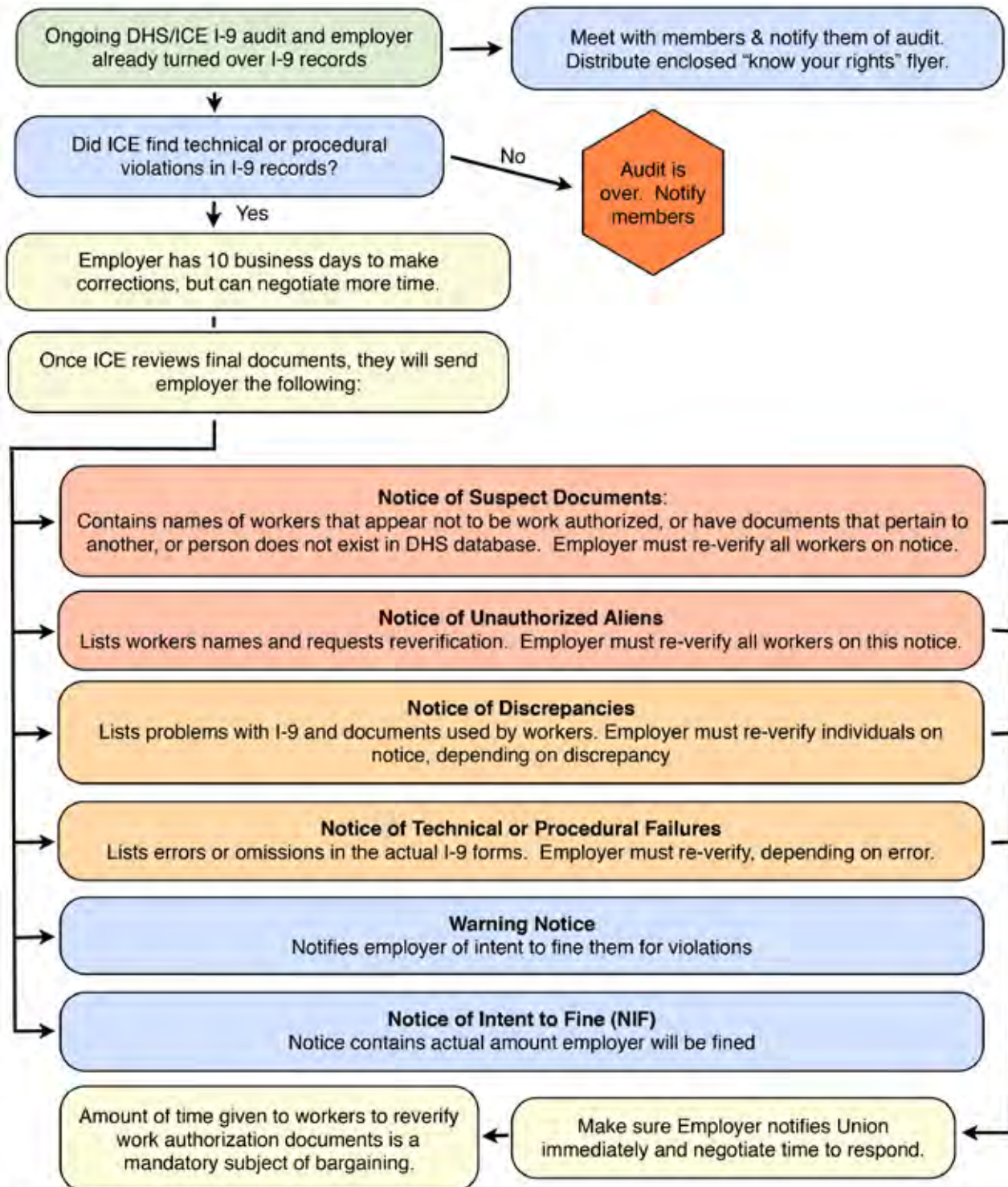
## I-9 Audit Chart

# I-9 Audit Chart



I-9 Audit: Chart 1

## DHS/ICE I-9 Audit

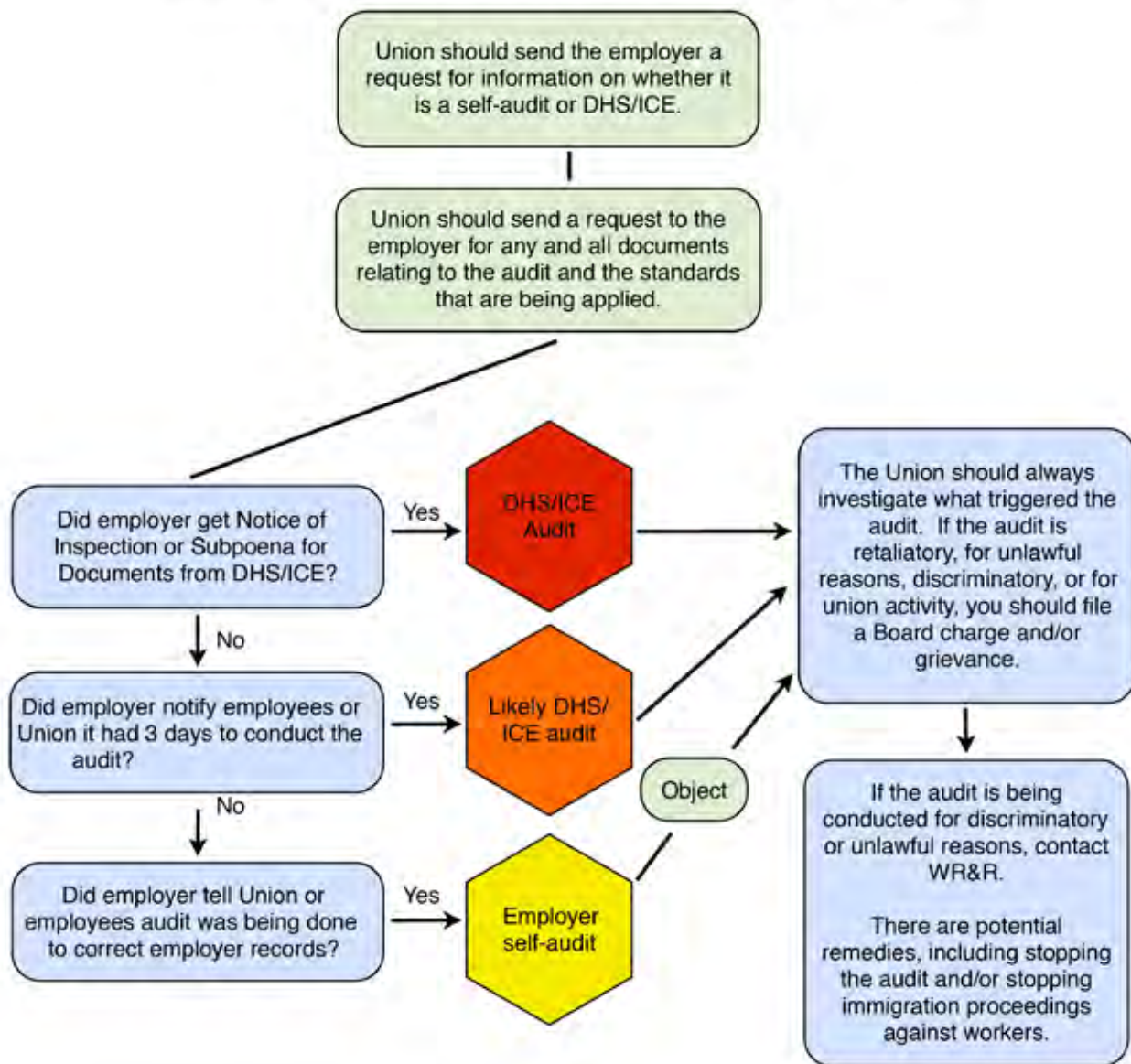


I-9 Audit: Chart 2

Source: Chart provided by Weinberg, Roger & Rosenfeld, <http://www.unioncounsel.net>.

## I-9 Audits

Is the I-9 Form audit an employer self-audit or a DHS/ICE audit?



I-9 Audit: Chart 3

Source: Chart provided by Weinberg, Roger & Rosenfeld, <http://www.unioncounsel.net>.

# **APPENDIX F**

## **2011 Revised MOU**

## **Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites**

### **I. Purpose**

This revised memorandum of understanding (MOU) is entered into by the Department of Homeland Security (DHS) and the Department of Labor (DOL). Its purpose is to set forth the ways in which the Departments will work together to ensure that their respective civil worksite enforcement activities do not conflict and to advance the mission of each Department.

In entering this MOU, both Departments recognize the importance of enforcing labor and immigration laws relating to the worksite. Effective enforcement of labor law is essential to ensure proper wages and working conditions for all covered workers regardless of immigration status. Effective enforcement of immigration law is essential to protect the employment rights of lawful U.S. workers, whether citizen or non-citizen, and to reduce the incentive for illegal migration to the United States. The parties further recognize that effective enforcement of both labor- and immigration-related worksite laws requires that the enforcement process be insulated from inappropriate manipulation by other parties.

### **II. Affected Components within the Departments**

The principal and responsible parties to this MOU are the following components within each Department. On behalf of the Department of Homeland Security, the principal component is U.S. Immigration and Customs Enforcement (ICE). On behalf of the Department of Labor, the principal components are the Wage and Hour Division (WHD), the Office of Federal Contract Compliance Programs (OFCCP), the Occupational Safety and Health Administration (OSHA), the Office of Labor-Management Standards (OLMS), and the Office of the Assistant Secretary for Policy (OASP).

### **III. Definitions and Understandings**

For purposes of this MOU—

- A. A “labor dispute” means a labor-related dispute between the employees of a business or organization and the management or ownership of the business or organization concerning the following employee rights:
  - the right to be paid the minimum legal wage, a promised or contracted wage, and overtime;
  - the right to receive family medical leave and employee benefits to which one is legally entitled;
  - the right to have a safe workplace and to receive compensation for work-related injuries;
  - the right to be free from unlawful discrimination;

- the rights to form, join or assist a labor organization, to participate in collective bargaining or negotiation, and to engage in protected concerted activities for mutual aid or protection;
  - the rights of members of labor unions to union democracy, to unions free of financial improprieties, and to access to information concerning employee rights and the financial activities of unions, employers, and labor relation consultants; and
  - the right to be free from retaliation for seeking to enforce the above rights.
- B. The worksite enforcement activities of DHS include the civil authorities of ICE to inspect Forms I-9, to investigate, to search, to fine, and to make civil arrests for violations of the immigration laws relating to the employment of aliens without work authorization. They do not include any of ICE's criminal authorities.
- C. The worksite enforcement activities of DOL include the authority of WHD, OFCCP, OSHA, and OLMS to enforce the requirements of the labor laws under their jurisdiction, including the relevant provisions of the Fair Labor Standards Act, Family and Medical Leave Act, the Migrant Seasonal Worker Protection Act, the Davis Bacon and Related Acts, the Service Contract Act, Executive Order 11246, the Occupational Safety and Health Act, the Vietnam Era Veterans' Readjustment Assistance Act, Section 503 of the Rehabilitation Act of 1973, the Labor-Management Reporting and Disclosure Act of 1959, and Section 211a of the Labor-Management Relations Act of 1947. OASP does not have enforcement authority.

#### IV. Coordination and Deconfliction

ICE and the principal DOL components agree to the following commitments and exchanges in order to ensure coordination and deconfliction of their respective civil enforcement activities.

- A. Except as noted in paragraph C, ICE agrees to refrain from engaging in civil worksite enforcement activities at a worksite that is the subject of an existing DOL investigation of a labor dispute during the pendency of the DOL investigation and any related proceeding. ICE will continue its existing practice of assessing whether tips and leads it receives concerning worksite enforcement involve a worksite with a pending labor dispute. DOL agrees to assist ICE's efforts under this paragraph by providing ICE with timely and accurate information to allow for identification of overlapping enforcement activity.
- B. ICE further agrees to be alert to and thwart attempts by other parties to manipulate its worksite enforcement activities for illicit or improper purposes. ICE will continue its existing practice of assessing whether tips and leads it receives concerning worksite enforcement are motivated by an improper desire to manipulate a pending labor dispute, retaliate against employees for exercising labor rights, or otherwise frustrate the enforcement of labor laws. DOL agrees to assist ICE's efforts under this paragraph by informing ICE of information DOL may have that other parties seek to manipulate a pending labor dispute, retaliate against employees for exercising labor rights, or otherwise frustrate the enforcement of labor laws.

- C. Notwithstanding paragraph A, ICE may engage in worksite enforcement activities at a worksite that is the subject of a pending labor dispute if—
- the Director or Deputy Director of ICE determines the enforcement activity is independently necessary to advance an investigation relating to national security, the protection of critical infrastructure (e.g., ports, power plants, or defense facilities), or a federal crime other than a violation relating to unauthorized employment;
  - the enforcement activity is directed by the Secretary of Homeland Security; or
  - the enforcement activity is requested by the Secretary of Labor, the Solicitor of Labor, or another Department of Labor official designated by the Secretary of Labor.
- D. In those instances in which ICE decides to engage in a worksite enforcement activity under paragraph C, ICE agrees to provide DOL notice unless the Director or Deputy Director of ICE determines that notice would violate federal law or would otherwise compromise the ICE investigation. ICE further agrees to make available for interview to DOL any person ICE detains for removal through a worksite enforcement activity conducted under paragraph C, provided the interview is consistent with federal and state law, would not compromise an ongoing ICE investigation or prosecution, and is approved by the relevant U.S. Attorney's Office. DOL agrees that any DOL interview conducted under this paragraph shall be at DOL's expense and shall not interfere with or delay removal proceedings except as provided in paragraph F below.
- E. Unless specifically agreed to by both DOL and ICE, ICE and the DOL components covered by this MOU will not conduct joint or coordinated civil enforcement activities at a worksite.
- F. ICE agrees to consider DOL requests that ICE grant a temporary law enforcement parole or deferred action to any witness needed for a DOL investigation of a labor dispute during the pendency of the DOL investigation and any related proceeding where such witness is in the country unlawfully. DOL agrees to provide ICE all needed information for ICE to consider the request and understands that any parole or deferred action ICE may grant will ordinarily terminate upon the completion of DOL's investigation and any related proceeding. DOL further agrees to inform ICE on a periodic basis determined by ICE and DOL whether parole or deferred action for a given witness is still needed and to assist ICE with any monitoring or supervision of the witness. ICE and DOL retain full worksite enforcement authorities (as identified in Section III) to seek a visa or other remedy for a DOL witness during the pendency of a DOL investigation and any related proceeding.
- G. Under no circumstances will ICE personnel engaged in enforcement activities at a worksite suggest that they represent or act for DOL absent the express approval of DOL. Similarly, under no circumstances will DOL personnel engaged in enforcement activities at a worksite suggest that they represent or act for ICE absent the express approval of ICE.
- H. ICE and DOL agree to create a joint Worksite Enforcement Coordination Committee to review the implementation of this MOU, resolve any disputes, work in partnership as cases

arise, and deconflict civil enforcement activities. This committee shall meet each quarter unless the parties determine otherwise. Any disputes concerning the implementation of this MOU that cannot be resolved by the committee shall be resolved by the Deputy Director of ICE and the relevant Deputy Assistant Secretary or equivalent designated by DOL.

- I. ICE and DOL agree to create a means to exchange information to foster enforcement against abusive employment practices directed against workers regardless of status. ICE agrees to develop a means to refer to DOL information concerning violations of DOL's civil worksite authorities described in section III of this MOU. DOL agrees to develop a means to refer to ICE information concerning ICE's criminal worksite authorities relating to human smuggling and trafficking; child exploitation; and extortion or forced labor.
- J. ICE and DOL agree to ensure that this MOU is disseminated and implemented within ICE and DOL through appropriate implementation instructions, employee notification, and training.
- K. ICE and DOL agree to seek each other's approval before issuing press releases that mention each other's enforcement activities.
- L. ICE and DOL agree to keep confidential information shared pursuant to section IV(A) of this MOU.

V. Effective Date

- A. This MOU is effective upon signature and valid until rescinded by either ICE or DOL subject to Section V (B). ICE and DOL agree, however, to assess the terms and effectiveness of this MOU one year from the date of signing and to consider whether modifications or additions are needed.
- B. This MOU reflects the full understanding between ICE and DOL on this subject and may not be modified without ICE and DOL's consent. Both ICE and the relevant DOL components may unilaterally rescind their participation in the MOU but only upon written notice to all other signatories provided at least 60 days in advance.
- C. This MOU voids and supersedes all previous MOUs on this subject between ICE (including its predecessor, the Immigration and Naturalization Service) and DOL.

- D. This MOU is an agreement between DHS and DOL, and does not create or confer any right or benefit on any other person or party, public or private. Nothing in this MOU or its implementation is intended to restrict the legal authority of ICE or the relevant DOL components in any way.

For the Department of Homeland Security



John Morton  
Director  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security

Date: DEC 07 2011

For the Department of Labor



M. Patricia Smith  
Solicitor of Labor  
Department of Labor

Date: DEC 07 2011

## **Addendum to the Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites**

### **I. Purpose**

- A. Pursuant to Section V(A) of the Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites (the MOU) dated December 7, 2011, the Departments, in an effort to increase the effectiveness of the MOU, agree to the modifications of the MOU contained herein.
- B. This Addendum recognizes the importance of interagency coordination between law enforcement authorities when enforcing labor, employment, and immigration laws relating to the worksite and the need for these authorities to work together to ensure that respective civil worksite enforcement activities do not conflict and are not manipulated by third parties while advancing the respective missions of each agency.
- C. The Department of Homeland Security (DHS), through its principal component, U.S. Immigration and Customs Enforcement (ICE); Department of Labor (DOL); the Equal Employment Opportunity Commission (EEOC); and the National Labor Relations Board (NLRB) (collectively "the parties"), are therefore entering into this Addendum to the MOU. The purpose of this Addendum is to set forth ways in which the EEOC and the NLRB will work together with DOL and DHS/ICE, the original parties to the MOU, to ensure that the civil worksite enforcement activities of the EEOC and the NLRB do not conflict with ICE's workforce enforcement activities, and to advance the respective missions of each agency. This Addendum further seeks to facilitate dialogue among the parties.

### **II. The Worksite Enforcement Activities and Authorities of the EEOC and the NLRB**

- A. The worksite enforcement activities of the EEOC include the authority to enforce Title VII of the Civil Rights Act of 1964 (race, color, sex, national origin, and religion), the Equal Pay Act of 1963 (sex), Title I and Title V of the Americans with Disabilities Act of 1990 (disability), the Age Discrimination in Employment Act of 1967 (age 40 and older), and Title II of the Genetic Information Nondiscrimination Act of 2008 (acquisition or use of genetic information), as well as the authority to enforce the provisions of these laws prohibiting an employer from engaging in retaliation against an employee or job applicant for opposing practices believed to be discriminatory or participating in an employment discrimination proceeding.
- B. The worksite enforcement activities of the NLRB include the authority to enforce the National Labor Relations Act (NLRA), which protects employees' rights to join together, with or without the assistance of a labor organization, to seek better pay or working conditions from their employer through collective bargaining or other lawful means. Workers employed by employers under the NLRA's jurisdiction are guaranteed the basic associational and collective bargaining rights set forth in Section III(A) of the MOU, as well as the right to be free from retaliation by their employer or labor union, if one is involved. The NLRA also prohibits an employer from engaging in retaliation against an employee or job

applicant for invoking the NLRB's processes or seeking redress of actual or perceived violations of the NLRA.

### **III. Agreement of the Parties**

- A. Consistent with their respective jurisdictions, the EEOC and the NLRB agree to the same commitments and exchanges as agreed to by DOL under Section IV of the MOU. DHS and ICE retain the same commitments and exchanges as agreed to in the MOU, but where their commitments and exchanges apply with respect to DOL in the MOU, those commitments and exchanges shall apply with respect to the EEOC and the NLRB as well. In the case of a conflict covered by Section IV(A) of the MOU and upon request by ICE in a specific matter, the relevant agency would respond to ICE's inquiry as to whether the specific conflict has ended. Except as specified in Section III(D) of this Addendum, DOL will retain the same commitments and exchanges as described in the MOU.
- B. Section IV(C) of the MOU is hereby modified to read:  
Notwithstanding paragraph A, ICE may continue to engage in worksite enforcement activities at a worksite that is the subject of the investigation of a labor dispute if -
- The Director of ICE, Deputy Director of ICE, or their designee determines the enforcement activity is independently necessary to advance an investigation relating to national security, the protection of critical infrastructure (e.g., ports, power plants, or defense facilities.), or a federal crime other than a violation relating to unauthorized employment; or
  - The enforcement activity is directed by the Secretary of Homeland Security or the Secretary's designee.
- C. Section IV(D) of the MOU is hereby modified to read:  
In those instances in which ICE decides to engage in a worksite enforcement activity under Section IV(C) of the MOU, ICE agrees to provide notice to the relevant labor agency, unless the Director of ICE, Deputy Director of ICE, or their designee determines that notice would violate federal law or would otherwise compromise the investigation. The parties also agree to exchange points of contact in these instances in order to better coordinate the overlapping investigations. To the extent practicable, ICE agrees to make available for interview to DOL, the EEOC, or the NLRB any person ICE detains for removal through a worksite enforcement activity, provided the interview is consistent with federal and state law, would not compromise an ongoing ICE investigation or prosecution, and is approved by the relevant U.S. Attorney's Office (when applicable). DOL, the EEOC, and the NLRB agree that any labor agency interview conducted under this paragraph shall be at the labor agency's expense and shall not unreasonably interfere with or delay removal proceedings except as provided in Section IV(F) of the MOU.
- D. DOL generally will coordinate with the EEOC and NLRB in the deconfliction of investigations with ICE as set forth in Section IV, paragraphs A, B, and D of the MOU. The EEOC and NLRB will participate in the Worksite Enforcement Coordination Committee referenced in Section IV(H) of the MOU.

- E. All information shared pursuant to the MOU or this Addendum among the parties regarding coordination and deconfliction of their civil enforcement activities shall be treated as confidential, and the act of sharing information shall not constitute a waiver of any otherwise applicable privilege or protection from discovery or other disclosure.
- F. Information obtained pursuant to the MOU, this Addendum, or any process established to implement the MOU or Addendum, is intended only for use and access by the receiving agencies for the limited purpose of carrying out activities pursuant to the MOU or this Addendum, or as required by applicable laws and regulations. Except as set forth below, such information may not be used or disclosed by the receiving party for other purposes outside of the MOU, this Addendum, or any process established to implement the MOU or Addendum, to other authorities, or any third parties unless the producing party expressly approves such use or disclosure in writing. The information shall not be disclosed externally without a federal court order, a formal request from a federal oversight entity, or the supplying agency's written authorization stating that there is no basis for withholding it, including but not limited to, the confidentiality requirements of the Privacy Act, the Trade Secrets Act, Sections 706(b) and 709(e) of Title VII, Section 107(a) of the ADA, and Section 207(a) of GINA. When responding to a federal court order, a producing party shall notify and confer with the supplying party prior to duplicating or disclosing information.
- G. Nothing in this Addendum is intended to preclude the internal use of information by the receiving party to the extent that there is an obligation to do so under applicable laws and regulations.

#### IV. Effective Date

- A. Effective as of the date of the latest signature below, this Addendum modifies and is fully incorporated into the MOU and supersedes any previous term inconsistent with the terms of this Addendum. To the extent that this Addendum contradicts the MOU, this Addendum will be controlling. All terms previously agreed to and not contradicted by this Addendum remain in effect. Modification of this Addendum shall be in writing and upon approval of all parties to this Addendum.
- B. This Addendum is valid until rescinded by EEOC, NLRB, DOL, and ICE. If only one party rescinds the agreement, it shall remain effective as to the others.
- C. The MOU and this Addendum reflect the full understanding of the parties on this subject and are intended to be read in conjunction with each other and represent one understanding. The MOU may not be further modified without the parties' consent. The parties may unilaterally rescind their participation in this Addendum but only upon written notice to all parties provided at least 30 days in advance.
- D. The MOU, to include this Addendum and all future modifications, is an agreement among the parties, and does not create or confer any right or benefit on any other person or party, public or private. Nothing in this Addendum or its implementation is intended to restrict the legal authority of the parties in any way.

For the Department of Homeland Security, U.S. Immigration and Customs Enforcement



Sarah R. Saldaña  
Director

Date: **MAY 05 2016**

For the Department of Labor



M. Patricia Smith  
Solicitor of Labor

Date: **5/6/2016**

For the U.S. Equal Employment Opportunity Commission



Jenny R. Yang  
Chair

Date: **may 6, 2016**

For the National Labor Relations Board



Richard F. Griffin, Jr.  
General Counsel

Date: **May 3, 2016**

# **APPENDIX G**

## **Rapid Response Team— Roles and Responsibilities**

Make sure everyone involved understands what it means to organize against a deportation, and what their roles and responsibilities are, including the individual, family and community members, legal representatives and advocates. Below is the recommended separation of labor and responsibilities:

## **Advocates and Organizers**

The main role of advocates is to support the individual facing deportation and their family by providing guidance, connection to resources and institutional support. Responsibilities could include:

- Coordinate a strategy between the individual and their family, community members and advocates, and legal representatives (when available).
- Support an individual and their family in understanding the immigration process and the status of their case, and connect them to social and legal services.
- Help individuals and their families gather information about their case, as well as documents that support the stopping of their deportation.
- Prepare individuals and/or their families to speak publicly about the case using agreed-upon framing, and answer difficult questions.
- Organize public events, including press conferences, public meetings or direct actions.
- Reach out to legislators and community leaders to gather support for the individual and, when necessary, put pressure on these leaders to secure their support.
- Find a reliable immigration attorney to do an initial consult or take on the case, ideally pro bono.
- Reach out to the ICE public advocate or other law enforcement agencies to show support and communicate public pressure.
- Gather signatures and phone calls by reaching out to constituency and other allies.

## **Workers Directly Impacted**

It is important that the persons who may face a deportation proceedings and their family know both the possibilities and the limitations of community advocacy, and that they will have to take an active role in the campaign, including the following:

- Participate in the campaign. Unlike finding a legal representative, being involved in a successful deportation defense campaign requires that the individuals affected by the situation take part in decision making and advocacy.
- Attend selected public gatherings, media conferences, meetings with legislators and other community meetings for people from who you are seeking support.

- Make final decisions about their case, based on information from community advocates and legal representatives. Even if others are involved in the campaign, final say of what strategies go forward and what information gets released publicly is up to the individual facing deportation.
- Understand that involvement in a public campaign does not guarantee that a deportation will be stopped, or that the individual will be released from detention.
- Provide information about the case that is accurate.
- Gather signatures, make calls and get support from legislators.
- Give permission and guidance of what information about the case can be shared with the public, media and other organizations.

### **Lawyers and Legal Advocates**

- Provide the individual with options about potential forms of relief and possibilities of obtaining prosecutorial discretion.
- Work with the workers, union representatives and community to coordinate the legal strategy with public advocacy.
- Be open to organizing strategies that are different from the usual legal process, especially if the individual facing deportation chooses to participate in a campaign.
- Participate in strategy meetings to inform campaign strategy with legal context of the case and agencies involved, with the consent of the individual.
- Provide legal information about the case to elected officials, with the consent of the worker(s) affected.

# **APPENDIX H**

## **Know Your Rights and Rapid Response Planning Training**

# METHODOLOGICAL GUIDE

## Goals

1. To develop a rapid response plan with our members and prepare for a possible workplace raid.
2. To train our members and others on the steps to take in case of a workplace raid and be sure they know what they should and should not do.
3. To build trust and confidence among our organizing team and our members for when we face a workplace raid.

**Duration:** 3 hours (180 minutes)

**Audience/Participants:** Shop stewards, labor and community organizers and families

**Facilitators:** 2

**Note Takers:** 2

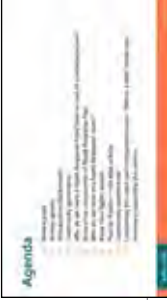
**Volunteers for Popular Theater (if applicable):** 4–6

**Materials Needed for Training:**

- Flip charts
- Markers
- Projector
- Computer

## Copies of:

- Know Your Rights Flier (See Appendix I)
- Know Your Rights Palm Card (See Appendix J)
- Safe Workplace Posters: Encourage workers to engage with employers to post these at their worksites with support of their shop steward or organizer (See Appendix K)
- Immigration and Labor Issues “Before a Workplace Raid” Case Intake Form (See Appendix L)
  - o G28 Form: [www.uscis.gov/sites/default/files/files/form/g-28.pdf](http://www.uscis.gov/sites/default/files/files/form/g-28.pdf) (See Appendix M)
  - o Privacy Waiver Authorizing Disclosure to a Third Party: [www.ice.gov/doclib/news/library/forms/pdf/60-001.pdf](http://www.ice.gov/doclib/news/library/forms/pdf/60-001.pdf) (See Appendix N)
  - o Checklist of Necessary Documents for Immigrant Workers (See Appendix P)

| Activity and Time                             | Objective and Process (Step by Step)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Needs/Supplies:                                                                                                                                                                                                                                                                                                                        | Lead/ Facilitator |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Review the Agenda<br><i>5 minutes</i>         | <ul style="list-style-type: none"> <li>Have PowerPoint ready</li> <li>Have agenda charted up already</li> <li>Review with everyone</li> </ul> <p><b>AGENDA</b></p> <ol style="list-style-type: none"> <li>Review goals</li> <li>Review agenda</li> <li>Introductions (icebreaker)</li> <li>Community agreements</li> <li>Why do we need a workplace raid rapid response plan and team?</li> <li>Review key components of our rapid response plan</li> <li>Whom do we need in our rapid response team?</li> <li>Know Your Rights session</li> <li>Popular theater—role-play activity</li> <li>Community commitment</li> <li>Completing the labor and immigration issues “Before a Raid” intake and necessary supporting documents</li> </ol> | <ul style="list-style-type: none"> <li>Flip Charts</li> <li>Markers</li> <li>Tape</li> <li>Projector</li> <li>Computer</li> <li>PowerPoint Presentation</li> </ul>   |                   |
| Review the Goals<br><i>5 minutes</i>          | <ul style="list-style-type: none"> <li>Have goals charted up already</li> <li>Read goals out loud</li> <li>Ask if they make sense and if everyone agrees</li> </ul> <p><b>GOALS</b></p> <ol style="list-style-type: none"> <li>Develop a rapid response plan with our members and prepare for a possible workplace raid.</li> <li>Train our members and others on the steps to take in case of a workplace raid and be sure they know what they should and should not do.</li> <li>Build trust and confidence among our organizing team and our members for when we face a workplace raid.</li> </ol>                                                                                                                                       |                                                                                                                                                                                                                                                       |                   |
| Introductions/Icebreaker<br><i>10 minutes</i> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To lead participants in an exercise that allows for introductions, but also builds trust, relationships and understanding among people.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Invite participants to take a couple of minutes to meet those sitting around them.</li> </ul> <p>”Introduce yourself, name and local/group/organization, to the person to the left (1 minute) and then to the person to the right (1 minute).”</p>                                                                                                                                                                                                         |                                                                                                                                                                                                                                                     |                   |

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| <p>Community Agreements<br/>15 minutes</p>                                                       | <ul style="list-style-type: none"> <li>• Have Community Agreements charted up already</li> <li>• Read Community Agreements out loud</li> </ul> <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>• Establish Community Agreements</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>• Ask Participants for Agreement             <ul style="list-style-type: none"> <li>o Share the suggestions for group agreements that will help move our conversations toward meeting our goals today and make it as productive as possible.</li> <li>o “We don’t see things as they are; we see things as WE are.” We come from different backgrounds and bring different perspectives on the issue of immigration. Saying what we believe right now is OK.</li> </ul> </li> <li>• Share Group Agreements             <ul style="list-style-type: none"> <li>o Engage respectfully. Don’t try to fix, save, advise or set each other straight.</li> <li>o Assume best intentions. Listen with generosity and kindness. Assume we are all coming from a good place.</li> <li>o Step up. Step back. We welcome your ideas, but we also ask you to give the space for others to share, so it is OK to skip a turn. If you find yourself listening most of the time, we encourage you to take a chance and step up, speak up to share your ideas.</li> <li>o Active listening. Avoid side conversations when others are speaking.</li> </ul> </li> <li>• Ask: “Are there any other community agreements when others are speaking?”</li> <li>• Write down any other suggested community agreements from participants.</li> <li>• Conduct a final review of all community agreements.</li> </ul> |                                                                                                                                                                           |  |
| <p>Why do we need a Rapid Response Plan and Team in case of a workplace raid?<br/>15 minutes</p> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>• To get a common understanding of why we need a rapid response plan and team.</li> </ul> <p><b>Process:</b></p> <ol style="list-style-type: none"> <li>1. Ask the audience: “Why do we need a rapid response plan in case of a workplace raid?”</li> <li>2. Allocate enough time for 1–2 responses from the audience. Make sure to have a microphone available.</li> <li>3. Share the following answer: “We need a rapid response plan to be ready to engage and mobilize supporters; to create awareness in our communities; and to rapidly and effectively provide support to our members, families and communities.”</li> <li>4. Ask the audience whether they agree with the statement; have them show their “agreement” by a showing of hands.</li> <li>5. Review The Role of Labor that corresponds to the reviewed statement on slide #7.             <ul style="list-style-type: none"> <li>• Educate—all workers should know their rights regardless of immigration status and understand the importance of unity and standing together.</li> <li>• Prepare—our members should prepare rapid response plans, including family emergency plans and worksite emergency plans.</li> <li>• Organize!—when working people are under attack, what do we do?                 <ul style="list-style-type: none"> <li>o Stand in unity regardless of immigration status</li> <li>o Engage and mobilize allies</li> <li>o Create awareness in our communities</li> <li>o Provide rapid and effective support to our members, families and their communities</li> </ul> </li> </ul> </li> </ol>                                                       |    |  |

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| Review key components of Rapid Response Plan<br>30 minutes       | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To collaborate with others on creating a strong network.</li> <li>To understand the basic components of Rapid Response Plan and Team.</li> </ul> <p><b>Process:</b></p> <ol style="list-style-type: none"> <li>Review the basic roles of the Rapid Response Teams: <ul style="list-style-type: none"> <li>Onsite worker support team</li> <li>Legal team</li> <li>Family and special needs team</li> <li>Mobilization team</li> <li>Communications team</li> </ul> </li> <li>Reference Appendix L to review roles and assignment description for each of the team leads as described.</li> <li>Review the components of the Rapid Response Plan. <ul style="list-style-type: none"> <li>The plan should include the following: <ul style="list-style-type: none"> <li>Identifying roles during a raid (witness, Rapid Response Team leads, etc.)</li> <li>Completing “Before a Workplace Raid” intake.</li> <li>Creating family plans for all workers.</li> </ul> </li> </ul> </li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                             |  <p>Copies of Appendix L</p>  |  |
| Who should be part of your support group/<br>team?<br>15 minutes | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To highlight the importance of communication and training for each role.</li> <li>To emphasize the urgency and importance of preparing individuals who will be committed to the plan.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Highlight that in order for the Rapid Response Plan to be effective, we must include and train all participants to understand their responsibility and the importance of a timely reaction.</li> <li>Each team must include a lead. To identify who should be part of the team, consider the following: <ul style="list-style-type: none"> <li>Worker leaders—organize at the workplace and get other members to stand in unity regardless of immigration status; serve as observers and document events during a raid; organize worker records and contact information; activate Rapid Response Team by calling the lead to report a raid.</li> <li>Labor organizers—activate support from local unions, labor leaders, elected officials, clergy and community partners; secure support in the form of memos, logistics and participation in rallies.</li> <li>Attorneys (labor, immigration, family law, etc.)—provide onsite and case-by-case support for workers and their families; to locate and visit detention centers to interview workers; review individual case to identify possible remedies and prepare motions.</li> </ul> </li> </ul> |                                                                                                                |  |

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|                                        | <ul style="list-style-type: none"> <li>o Clergy—provide assistance and case-by-case support for workers and their families by mobilizing congregations; to provide practical and public support at special events (Mass, blessings, prayers); be prepared to talk to media to lend moral weight to workers' issues.</li> <li>o Advocates—make demands and mobilize the community.</li> <li>o Press—make the case public and amplify worker stories.</li> <li>o Political figures—to provide high-profile support and publicity.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                    |  |
| <p>Know Your Rights<br/>30 minutes</p> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>• Educate and inform everyone about their rights.</li> <li>• Emphasize the importance of standing in unity regardless of immigration status.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>• Review “Know Your Rights” language, paying special attention to the “plead the 5th” declaration:<br/>         “I am exercising my right to remain silent, my right to refuse to answer your questions and my right to refuse to sign anything, until I consult an attorney. If I am detained, I request to contact this attorney/ organization immediately.</li> </ul> <p>Phone number: _____<br/>         Thank you.”</p> <ul style="list-style-type: none"> <li>• Explain that the police or immigration agents will probably show up unexpectedly, so being prepared and standing in unity will provide time for all other parts of plan to take effect.</li> <li>• This means that all workers, regardless of immigration status, should follow the protocol by remaining silent and asking to speak with an attorney. No one should aid the agents in separating citizens from noncitizens.</li> <li>• If police or immigration agents show up at your workplace, agents must have:             <ul style="list-style-type: none"> <li>o A warrant signed by a judge and/or the employer's permission to enter your workplace</li> <li>o If it is a public place, they do not need a warrant</li> </ul> </li> </ul> |  |  |

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|  | <ul style="list-style-type: none"> <li>Explain the importance of remaining calm and silent regardless of the agents' questions or actions.</li> <li><b>DO NOT RUN!</b> This may be viewed as an admission that you have something to hide. <b>STAY CALM! REMAIN SILENT!</b></li> <li>Explain the right to refuse to sign documents without the advice of an attorney.</li> <li>Explain that anything you say or sign could be used against you. <b>REMAIN SILENT.</b> Tell the police you want to remain silent. <b>DON'T</b> give explanations, excuses or stories. Stay calm and say, "I choose to remain silent," or hand a "KNOW YOUR RIGHTS" card to law enforcement agent.</li> <li><b>REFUSE TO SIGN</b> any document without first speaking with an attorney.</li> <li><b>SPEAK WITH AND BE REPRESENTED BY AN ATTORNEY!</b> <ul style="list-style-type: none"> <li>In immigration court, this will be at your own expense.</li> </ul> </li> <li><b>REQUEST A LOCAL TELEPHONE CALL</b> <ul style="list-style-type: none"> <li>Memorize phone numbers of your attorney, and family/friends with legal status; immigrants have the right to call their consulate.</li> </ul> </li> <li>Recap by reviewing and emphasizing the following:           <ul style="list-style-type: none"> <li>Encouraging workers to prepare by:               <ul style="list-style-type: none"> <li>Having a plan in writing and making sure their family knows it.</li> <li>Designating a responsible person for the care of their children.</li> <li>Granting a power of attorney.</li> <li>Gathering important documents and having them ready in a safe place (i.e., passport, birth certificates, medical records, etc.)</li> </ul> </li> <li>Preparing and carrying with them a list of important phone numbers, including their attorney and consulate.</li> <li>Getting <b>INVOLVED</b> with a local community organization.</li> <li>Creating a <b>SAFE WORKPLACE</b> for themselves and their co-workers.</li> <li>Standing in <b>UNITY</b> regardless of immigration status—all workers at the jobsite will remain silent and ask to speak with an attorney.</li> </ul> </li> </ul> |  |  |
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| <p>Popular Theater<br/>25 minutes</p> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To have participants experience an immigration raid in action.</li> </ul> <p>(Prepare in advance: request facilitators or selected participants to play key roles).</p> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Instruct participants on their character assignments. The characters will play the role of ICE agents conducting a workplace raid. There should be 1–2 agents for every 10 participants in the training.             <ul style="list-style-type: none"> <li>This activity is to be performed by a group of individuals who have been previously selected and have reviewed the plot and understand the main objective of the activity. The goal of this part of the training is to surprise attendees and give them an opportunity to practice the protocols from the previous sections of the training.</li> <li>Your role as facilitator is to remain as lead and provide guidance as the plot is in action. “Please follow instructions” should be part of your continuous statement among the confusion of the exercise.</li> <li>If there are individuals who appear unwilling to participate, please guide them to serve as observers and stand aside.</li> </ul> </li> <li>Initiate activity by having “ICE agent” characters start sorting and interrogating participants without warning. The most important aspect of this experience is the element of “surprise.” Ideally, this activity will take place after a break.</li> <li>After the activity ends, bring participants back together to reflect on the experience both as individuals and as a group. Keep track of comments for recap.             <ul style="list-style-type: none"> <li>What behaviors affected your experience/reaction?</li> <li>Were you surprised at who was selected to be separated from the group? Why?</li> <li>How did you feel about having the opportunity to simulate a raid?</li> </ul> </li> </ul> <p><b>Plot:</b></p> <p>The raid is happening during a normal workday at a local factory (all participants will be assumed to be workers). ICE agents are coming in from doors. They are loudly commanding all workers to stand still and follow their directions.</p> <p>Agents are scattered throughout the room. Their loud voices are intimidating as they shout different instructions. One of them, apparently their leader, repeats the same commands repeatedly: “Stand still and follow instructions.” Other agents are gathering individuals, some are directing them/walking them to a general area where individuals are standing facing a wall, while others are separating selected individuals to a different area from the main gathering.</p> |  |
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|                                             | <p><b>Characters:</b><br/> <i>Lead agent</i><br/> The lead agent (facilitator) is to give overall instructions and end the activity at the appropriate time by calling on officers to retreat.</p> <p><i>At-large agents</i><br/> Approximately half of the agents will walk around the room guiding individuals to the specified gathering area. If bilingual, some commands may be given in Spanish, others in English.</p> <p>The other half of the agents will walk around and separate individuals from the group. The separated individuals should be selected by targeting ethnicity based on appearance, or by asking participants to self-sort: "Citizens over here, noncitizens over here."</p> <p><i>Observers</i><br/> The observers will gather details on: 1) how individuals were selected for groups; 2) agent behavior, appearance, total count; 3) languages used; 4) workers' reaction—did they use the techniques shared during the KYR and raids training?</p> <p><b>Reflection:</b> Allocate a few minutes for observers to share their notes, and then open the comments to entire group to share their observations.</p>                                                                                                                                                            |                                                                                    |  |
| <p>Community Commitment<br/> 10 minutes</p> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To understand the importance of community support and public campaigns.</li> <li>To identify and understand the levels of community advocacy.</li> <li>To understand the importance of public "call to action" as part of an effective worker defense campaign.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Highlight why it is crucial to gain community support: <ul style="list-style-type: none"> <li>In general, priority partners include clergy, legal support groups, civil rights groups and labor.</li> <li>We should also include in our efforts student groups, neighborhood associations, family resource centers, schools, hospitals/clinics and any other entity that is connected with the workers' community.</li> </ul> </li> <li>Their role is to serve as advocates promoting and assisting the workers and their families at different levels, including: <ul style="list-style-type: none"> <li>writing letters of support or op-eds;</li> <li>organizing food drives, pet sanctuaries, fundraisers;</li> <li>conducting legislative visits/calls, social media blasts;</li> <li>other meaningful tasks that could assist the workers/families affected by raids.</li> </ul> </li> </ul> |  |  |

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| <p>"Before a Workplace Raid" Case Intake Form and Necessary Supporting Documents<br/>10 minutes</p> | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To review the "Before a Raid" intake form</li> <li>To encourage attendees to familiarize themselves with the specific information needed.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Review the list of important documents needed to support individual identity, community involvement, nationality, immigration case (if applicable), court case (if applicable), etc.</li> <li>Have participants share their reaction/concerns/observations regarding the documents mentioned and the type of information requested in the intake.</li> </ul>                                                                                                                                                                                                                                                                                       |  |  |
| <p>Closing<br/>10 minutes</p>                                                                       | <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>Review goals and whether they were accomplished</li> <li>Reaffirm commitment to stand together in the face of a raid.</li> </ul> <p><b>Process:</b></p> <ul style="list-style-type: none"> <li>Facilitator reads each goal and asks the group whether they think it was accomplished.             <ul style="list-style-type: none"> <li>Ask the group to do "thumbs up, thumbs down", etc.</li> </ul> </li> <li>Then ask the group to stand and form a circle around the room.             <ul style="list-style-type: none"> <li>Remind the group that as a community we must commit to fight for and protect each other.</li> <li>These are difficult times, but we can get through this together.</li> </ul> </li> <li>Ask the group: "Can we commit right here and right now to each other that we will stand up and fight for every working person?"</li> </ul> |  |  |

# Know Your Rights and Raid Preparedness

## AFL-CIO



AFL-CIO

Campaigns

# Agenda

1. Review goals
2. Review agenda
3. Introductions (icebreaker)
4. Community agreements
5. Why do we need a Rapid Response Plan/Team in case of a workplace raid?
6. Review key components of Rapid Response Plan
7. Who do we need in a Rapid Response Team?
8. Know Your Rights session
9. Popular theater—role-play activity
10. Community commitment
11. Completing the Labor and Immigration Issues “Before a Raid” Intake and necessary supporting documents

AFL-CIO

Unrepresented

# Goals

1. To develop a Rapid Response Team/Network with our members and community partners to prepare for a possible workplace raid.
2. To train our members and others on what they should do—and not do—and what are the steps to take in case of a workplace raid.
3. Create more trust and deeper confidence among organizers and members for when there is a workplace raid.

AFL-CIO

Immigration

# Introductions and Icebreaker

- Introduce yourself to the person to your left (*1 minute*)
- And now to the person to the right (*1 minute*)
- Please share your name and local/group/organization



AFL-CIO

Campaigns

# Community Agreements

Engage Active Listening  
Respect Share  
Speak up! "Yes..."  
Stay focused and  
Have fun!

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Campaigns

# **Why do we need a Rapid Response Plan and Team in case of a workplace raid?**



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Campaigns

# We Need a Rapid Response Plan and Team

We need a Rapid Response Plan and Team to be ready to engage and mobilize supporters; to create awareness in our communities, and to rapidly and effectively provide support to our members, families and communities.



AFL-CIO

Campaigns

# The Role of Labor

## Educate

- All workers have rights regardless of immigration status.
- All should stand in unity and learn/memorize/reply the basic vocabulary to defend their rights.

## Prepare

- Family Emergency Plan
- Worksite Emergency Plan
- Rapid Response Team

## ORGANIZE!

- Organize! Organize! Organize!

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Campaigns

# Rapid Response Plan

Agenda for Action Plan Development –  
Methodological Guide For Facilitators



## GOALS:

- To create a Rapid Response Team workplan in preparation for a possible workplace raid.
- To ensure everyone has one plan of action and clearly understands the steps to take in case of a workplace raid.
- To build unity among workers (regardless of their immigration status or criminal record).

# Create a Rapid Response Team

## Rapid Response Teams:

- Onsite Worker Support Team
- Legal Team
- Family and Special Needs Team
- Mobilization Team
- Communications Team

## Who Should be Part of Your Support Group/Team?

- Worker Leaders
- Labor Organizers
- Attorneys—immigration, family law, etc.
- Clergy—sanctuary/shelter
- Community Advocates—to tell the story
- Press—make your experience public
- Political Figures

# You Have the Right to...

**REMAIN SILENT.** Tell the police you want to remain silent. DON'T give explanations, excuses or stories.

- Stay calm and say “I choose to remain silent,” or hand a **KNOW YOUR RIGHTS** card to the law enforcement agent.

**REFUSE TO SIGN** any document without first speaking with an attorney.

**SPEAK WITH AND BE REPRESENTED BY AN ATTORNEY**

- In immigration cases, it will be at your own expense.

REQUEST A LOCAL TELEPHONE CALL

- Memorize phone numbers of family/friends with legal status.
- Immigrants have the right to call their consulate.

AFL-CIO

## Campaigns

CONOZCA SUS DERECHOS

Independientemente de donde se encuentre, ya sea en el trabajo o en el hogar o en su comunidad, el mencionado labor de quienes **CONOZCA SUS DERECHOS** y esté preparado para catalogar encuentros con las autoridades, incluyendo la policía y los agentes de inmigración.

- 1** *Me llamo Juan Carlos y soy español. ¿Y tú?* [mi nombre / yo / español / ¿y tú? / ¿quién? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde?]
- 2** *¿A qué hora llegas al trabajo?* [¿a qué hora? / ¿cuándo? / ¿dónde? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde?]
- 3** *Me gusta mucho viajar. ¿Tú qué te gusta?* [me gusta mucho / viajar / ¿tú? / ¿quién? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde?]
- 4** *¿Qué hora es?* [¿qué hora? / ¿cuándo? / ¿dónde? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde? / ¿cómo? / ¿qué? / ¿cuándo? / ¿dónde?]

## AFL-CIO

**¡CONOZCA SUS DERECHOS!**

Si usted es detenida por alguien oficial o agente de la ley.

- Entregue esta tarjeta al oficial y guarde silencio.
- La tarjeta explica que usted está ejerciendo su derecho de negarse a contestar preguntas hasta que hable con un abogado.

Para más información y recursos para saber cómo defender sus derechos, visite [affidavitt.com/immigrantcommunities](http://affidavitt.com/immigrantcommunities).

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

Estoy ejerciendo mi derecho de guardar silencio,  
mi derecho de negarme a contestar sus preguntas,  
y mi derecho de pedirme a firmar cualquier papel  
hasta que consulte con un abogado. Si estoy  
detenido, solicito contactar a mi abogado/  
organización inmediatamente.

Número de teléfono:

## Conclusion

# Basic Vocabulary to Exercise Your Rights

I am exercising my right to remain silent, my right to refuse to answer your questions and my right to refuse to sign anything, until I consult an attorney. If I am detained, I request to contact this attorney/organization immediately.

Phone number: \_\_\_\_\_  
Thank you.

AFL-CIO

Campaigns

# Know Your Rights!

If POLICE or IMMIGRATION show up at your workplace, Immigration agents must have:

- A warrant signed by a judge and employer's permission to enter your workplace.
- If it is a public place, they do not need a warrant.

**DO NOT RUN!** This may be viewed as an admission that you have something to hide.

**STAY CALM! REMAIN SILENT!**

Whether you are at work, home or in your community, the labor movement wants you to

## KNOW YOUR RIGHTS

and be prepared when interacting with law enforcement, including immigration agents.

- 1 Stay calm, please the 5th, "I plead the 5th and choose to remain silent."
- 2 Do NOT sign anything! You have the right to consult with an attorney before answering any questions or signing any documents.
- 3 You do NOT need to show ID or immigration documents to the officers. If requested, reply by saying "I wish to speak to an attorney." If you have a valid green card or work permit, carry it with you.
- 4 No law enforcement agent has the right to enter your home without a proper warrant signed by a judge. Do NOT open the door without having them first show you a signed warrant.

### AFL-CIO

#### KNOW YOUR RIGHTS!

- If you are stopped by law enforcement:
- Hand this card to the officer and remain silent.
- The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

For more information and resources to know and defend your rights, please visit [aflcio.org/immigrationrights](http://aflcio.org/immigrationrights).

NOTE: This information is not meant to be used as legal advice.

I am exercising my right to remain silent, my right to refuse to answer your questions and my right to refuse to sign anything, until I consult an attorney. If I am detained, I request to contact this attorney/organization immediately.

Phone number: \_\_\_\_\_

Thank you.

AFL-CIO

Campaigns

# Be Prepared

Choose a responsible person for the care of your children

- Power of attorney

Have a plan in writing and make sure your family knows it

- What is your plan in case you are in detention/deported?

Have your documents ready **AND** in a safe place

- Passport, birth certificates, medical records

Carry with you a list of important phone numbers, including your consulate



**GET INVOLVED** with a local community organization

**CREATE A SAFE WORKPLACE** for you and your co-workers

**STAND IN UNITY** regardless of immigration status

All will remain silent and ask to speak with an attorney

AFL-CIO

Immigration

# Community Advocacy

- Write letters of support
- Op-eds
- Legislative visits/calls
- Organize food drives and fundraisers
- Rallies/marches
- Pet sanctuaries
- Social media campaign

AFL-CIO

Campaigns

# Before Raid Intake

## IMMIGRATION AND LABOR ISSUES INTAKE (BEFORE A WORKPLACE RAID)

- A. Contact Details of Person Screened
- B. Primary Issues of Concern
- C. Details of Person with Immigration Issues
- D. Immigration History
- E. Currently in Immigration Proceedings
- F. Asylum Screening
- G. U or T Visa Screening—Survivors of Crime or Domestic Violence
- H. Workplace Violations—including U/T Visa Screening in Workplace Context
- I. Law Enforcement History
- J. Family History
- K. Other Information
- L. Follow-up

AFL-CIO

Immigration

# List of Documents

## CHECKLIST OF HELPFUL DOCUMENTS FOR IMMIGRANT WORKERS TO PROVIDE TO ADVOCATE

- Completed "Before a Workplace Raid" Intake Form (See Appendix L)
- [Signed by worker] USCIS G28 Form (See Appendix M)
- [Signed by worker and witness] ICE—"Privacy Waiver Authorizing Disclosure to a Third Party" (See Appendix N)
- City or State ID
- Valid Passport
- Certificate of Disposition

If worker has children: copy of all school transcripts of every child. Also, member may consider speaking to a family law attorney about the need to sign a power of attorney for the caretaking of their children.

# Additional Resources

***¡Adelante! We Rise!***

<http://adelantewerise.org/>

**AFL-CIO**

[www.aflcio.org/Issues/Immigration/Immigration-Resources](http://www.aflcio.org/Issues/Immigration/Immigration-Resources)

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Campaigns

## POPULAR THEATER PIECE FROM KNOW YOUR RIGHTS TRAINING

This plot is to be followed by the group of individuals who were selected to participate. The goal of this part of the training is to surprise attendees and give an opportunity to practice the learnings from the previous training. Your role as facilitator is to remain as lead and provide guidance as the plot is in action. “Please follow instructions” should be part of your continuous statement among the confusion of the exercise. If there are individuals who appear unwilling to participate, please guide them to serve as observers and stand away from the preselected areas. To end the activity, you will timely signal the lead agent to direct the officers to retreat.

### **Plot:**

The raid is happening during a normal workday at a local factory (all participants will be assumed to be workers). ICE agents are coming in from doors. They are loudly commanding all workers to stand still and follow their directions.

Agents are scattered throughout the room. Their loud voices are intimidating as they shout different instructions. One of them, apparently their leader, repeats the same commands repeatedly: “Stand still and follow instructions.” Other agents are gathering individuals; some are directing them/walking them to a general area where individuals are standing facing a wall, while others are separating selected individuals to a different area from the main gathering.

### **Characters:**

**Lead agent :** Gives overall instructions and ends the activity at the appropriate time by calling on officers to retreat.

**At-large agents (4–8):** Agents will walk around the room guiding individuals to the specified gathering area. If bilingual, some commands may be given in Spanish, others in English. (2–4 agents)

Agents will walk around and separate individuals from the group. The separated individuals should be selected by targeting ethnicity based on appearance or by asking participants to self-sort: “*Citizens over here, noncitizens over here.*” (2–4 agents)

**Observers:** The observers will gather details on:

- How individuals were selected for groups;
- Agent behavior, appearance, total count;
- Languages used; and
- Workers’ reaction—did they use the techniques shared during the KYR and raids training?

# **APPENDIX I**

## **Know Your Rights Flier— English and Spanish**

# KNOW YOUR RIGHTS

Whether you are at work, home or in your community, the labor movement wants you to know your rights and be prepared when interacting with law enforcement, including immigration agents.

- 1** You have the right to **REMAIN SILENT**. You have the right not to answer any questions, including questions about where you were born, whether you are a citizen, how you entered the United States, or your immigration status. If stopped in the street or at the workplace, stay calm and say, “I choose to remain silent,” or hand a card (downloadable at [go.aflcio.org/immigrationresources](http://go.aflcio.org/immigrationresources)) to a law enforcement agent.
- 2** You have the right **NOT TO SIGN** any documents without first speaking with an attorney, no matter what an agent says. Anything you say or sign could be used against you later in any legal proceeding, including deportation.
- 3** If you have valid federal immigration **DOCUMENTS**, carry them with you. For example, if you have a green card or a work permit that is not expired, always carry it for identification purposes. Don't carry a foreign passport or papers from another country, as these could be used against you in deportation proceedings. Never carry false documents or lie about your immigration status.
- 4** If law enforcement agents come to your home, you don't need to let them in unless they have a proper **WARRANT**. You don't need to open the door to see the warrant. Law enforcement agents can slide the warrant under the door or hold it in the window to show it to you. A warrant must be signed by a judge and include your correct name and address to be valid. ICE warrants for removal don't give immigration agents the right to enter your home unless you give them permission.

*NOTE: These general principles are not meant to serve as legal advice.*

For more information and resources to know and defend your rights, please visit [go.aflcio.org/immigrationresources](http://go.aflcio.org/immigrationresources).

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# CONOZCA SUS DERECHOS

Independientemente de que si se encuentra usted en el trabajo, en el hogar o en su comunidad, el movimiento laboral quiere que conozca sus derechos y esté preparado para cualquier encuentro con las autoridades, incluyendo la policía y los agentes de inmigración.

1

Usted tiene el derecho de guardar silencio. Tiene el derecho de no contestar ninguna pregunta, incluyendo preguntas acerca de su lugar de nacimiento, si es ciudadano, como llegó a los Estados Unidos, o su situación migratoria. Si lo detienen en la calle o en su lugar de trabajo, usted puede contestar: "Elijo mantenerme en silencio". En inglés: **"I choose to remain silent."** o entregue la tarjeta con esa declaración, que se encuentra en nuestra página de internet: [go.afcio.org/immigrationresources](http://go.afcio.org/immigrationresources).

2

Usted tiene el derecho de no firmar ningún documento sin consultar antes con un abogado; no importa lo que diga el agente. Cualquier cosa que usted diga o firme puede ser usada en su contra en cualquier trámite legal, incluyendo un procedimiento de deportación.

3

Si tiene documentos federales de inmigración, llévelos siempre consigo. Por ejemplo, si usted tiene su tarjeta de residencia o Green Card o un permiso de trabajo no caducado, siempre llévelos con usted para mostrarlos como identificación. No cargue pasaportes de otros países ni papeles de otros países, pues éstos podrían ser usados en su contra en un procedimiento de deportación. Nunca cargue documentos falsos ni mienta acerca de su situación migratoria.

4

Si un agente de la policía o de inmigración viene a su casa, usted no necesita dejarlo entrar, a menos que muestre una orden de cateo. Usted no necesita abrir la puerta para ver la orden de cateo. Los agentes pueden deslizar la orden por debajo de la puerta o enseñársela por la ventana. Una orden de cateo debe de estar firmada por un juez e incluir su nombre correcto y su dirección válida. Las órdenes de deportación del Servicio de Inmigración y Control de Aduanas de los Estados Unidos (ICE, por sus siglas en inglés) no les dan derecho a los agentes de entrar a su hogar sin antes tener su permiso.

*NOTA: Estos puntos informativos no tienen como finalidad servir de consejos legales.*

Para más información y recursos para saber cómo defender sus derechos, visite la página de internet [go.afcio.org/immigrationresources](http://go.afcio.org/immigrationresources).

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## **APPENDIX J**

**Know Your Rights**

**Palm Card—**

**English, Spanish, Bengali,  
Hindi, Khmer, Korean,  
Mandarin, Tagalog, Urdu  
and Vietnamese**

Whether you are at work, home or in your community,  
the labor movement wants you to

# KNOW YOUR RIGHTS

and be prepared when interacting with law enforcement,  
including immigration agents.

- 1** Stay calm, plead the 5th and remain silent.  
“I plead the 5th and choose to remain silent.”
- 2** Do **NOT** sign anything! You have the right to  
consult with an attorney before answering  
any questions or signing any documents.
- 3** You do **NOT** need to show ID or immigration  
documents to the officers. If requested, reply  
by saying “I wish to speak to an attorney.” If  
you have a valid green card or work permit,  
carry it with you.
- 4** No law enforcement agent has the right to  
enter your home without a proper warrant  
signed by a judge with your correct name  
and address. Do **NOT** open the door without  
having them first show you a signed warrant.

**AFL-CIO**

## KNOW YOUR RIGHTS!

If you are stopped by law enforcement:

- Hand this card to the officer and remain silent.
- The card explains that you are exercising your  
right to refuse to answer any questions until  
you have talked with a lawyer.

**For more information and resources to know and defend your  
rights, please visit [go.aflcio.org/immigrationresources](https://go.aflcio.org/immigrationresources).**

NOTE: These general principles are not meant to  
serve as legal advice.

DETACH HERE

I am exercising my right to remain silent  
and my right to refuse to answer your  
questions. If I am detained, I request to  
contact an attorney immediately. I also  
am exercising my right to refuse to sign  
anything until I consult an attorney.  
Thank you.

Independientemente de que si se encuentra usted en el trabajo, en el hogar o en su comunidad, el movimiento laboral quiere que

## CONOZCA SUS DERECHOS

y esté preparado para cualquier encuentro con las autoridades, incluyendo la policía y los agentes de inmigración.

- 1** Manténgase calmado y responda: "I plead the 5th and choose to remain silent", y guarde silencio. No diga nada más.
- 2** ¡NO firme NADA! Usted tiene el derecho de consultar con un abogado antes de contestar preguntas o de firmar cualquier documento.
- 3** No tiene que mostrar ninguna identificación ni documento a los oficiales o agentes de la ley. Si se los piden, responda: "I wish to speak to an attorney". Si usted tiene "Green Card" válida (tarjeta de residencia) o permiso de trabajo, llévelos siempre con usted.
- 4** Ningún agente de la ley tiene derecho de entrar a su casa sin una orden de cateo firmada por un juez, con su nombre correcto y dirección. No abra la puerta sin que le enseñen la orden de cateo firmada.

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### ¡CONOZCA SUS DERECHOS!

Si usted es detenido por algún agente de las fuerzas del orden:

- Entregue esta tarjeta al oficial y guarde silencio.
- La tarjeta explica que usted está ejerciendo su derecho de negarse a contestar preguntas hasta que hable con un abogado.

**Para más información y recursos para saber cómo defender sus derechos, visite [go.aflcio.org/immigrationresources](https://go.aflcio.org/immigrationresources).**

NOTA: Estos puntos informativos no están destinados a servir como consejos legales.



CORTE AQUI

Estoy ejerciendo mi derecho de guardar silencio y mi derecho de negarme a contestar sus preguntas. Si estoy detenido, solicito contactar a un abogado inmediatamente. También estoy ejerciendo mi derecho de negarme a firmar nada hasta que consulte con un abogado. Gracias.

আপনি কাজরে জায়গায়, বাড়তি বা আপনার কমডিনটিতে যখনই থাকুন না কেন, লবোর মুভমেন্ট চায় যে, আপনি যাত

## আপনার অধিকারগুলি সম্পর্কে জানুন

এবং ইমগ্রিশন এজেন্ট সহ আইন প্রয়োগকারীদের সাথে কথা বলার জন্য প্রস্তুত থাকুন।

- 1 শান্ত থাকুন, 5ম ধারাটি জানিয়ে অনুরোধ করুন। “আমি 5ম ধারাটি উল্লেখ করে অনুরোধ করছি এবং নীরব থাকাকে বেছে নিচ্ছি।”
- 2 কোন কছিতে স্বাক্ষর করবেন না! কোন প্রশ্নের উত্তর দেওয়া বা কোন নথিতে স্বাক্ষর করার আগে আপনার একজন আইনজীবীর সাথে আলোচনা করে নেওয়ার অধিকার রয়েছে।
- 3 আপনাকে যে অফিসারকে আইডি বা ইমগ্রিশনের কাগজপত্র দেখাতে হবে তা নয়। তা দেখানোর জন্য অনুরোধ করলে, এই বলে উত্তর দিন যে “আমি একজন আইনজীবীর সাথে কথা বলতে চাই।” আপনার যদি একটি বৈধ গ্রীন কার্ড বা ওয়ার্ক পারমিট থাকে তা নিজের সাথে বহন করুন।
- 4 কোন আইন প্রয়োগকারী এজেন্টেরই একজন বচিরকরে স্বাক্ষরকৃত যথাযথ একটি ওয়ার্যান্ট ছাড়া আপনার বাড়তি প্রবশের অধিকার নেই। তাদেরকে প্রথমে একটি স্বাক্ষরিত ওয়ার্যান্ট দেখাতে বলুন এবং তা না দেখালে দরজা খুলবেন না।

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## আপনার অধিকারগুলি সম্পর্কে জানুন!

আপনাকে যদি কোন আইন প্রয়োগকারী ব্যক্তি থামান:

- এই কার্ডটি অফিসারটিকে দিন এবং নীরব থাকুন।
- এই কার্ডটি ব্যাখ্যা করে যে, একজন আইনজীবীর সাথে কথা না বলা পর্যন্ত আপনার কোন প্রশ্নের উত্তর না দেওয়ার যে অধিকারটি রয়েছে তা আপনি প্রয়োগ করছেন।

আরো তথ্য ও সংস্থানগুলি সম্পর্কে জানার জন্য ও আপনার অধিকারগুলি রক্ষা করার জন্য, অনুগ্রহ করে, এই সাইটে আসুন

[go.aflcio.org/immigrationresources](http://go.aflcio.org/immigrationresources).

মনে রাখবেন: এই তথ্যাবলীর উদ্দেশ্য আইনী পরামর্শ প্রদান করা নয়।

এখানে আলাদা করুন



আমি একজন আইনজীবীর সাথে পরামর্শ না করা পর্যন্ত, আমার নীরব থাকার অধিকার, আপনার প্রশ্নের উত্তর না দেওয়ার অধিকার এবং আমার কোন কছিতে স্বাক্ষর করা প্রত্যাখ্যান করার অধিকার প্রয়োগ করছি। আমাকে যদি আটক করা হয়, সেক্ষেত্রে আমি এই আইনজীবী/সংস্থার সাথে অবলম্বনযোগ্য যোগাযোগ করার জন্য অনুরোধ করছি আপনাকে ধন্যবাদ।

ফোন নম্বর: \_\_\_\_\_

चाहे आप कार्य पर हों, घर में हों या अपने समुदाय में हों,  
लेबर सूवमेंट चाहता है कि आप

## अपने अधिकारों को जाने।

और कानून प्रवर्तन, जिसमें आप्रवासन एजेंट भी शामिल हैं,  
का सामना करते समय पहले से तैयार रहें।

- १ शांत रहे, 5वीं याचना करें, 'मैं 5वीं याचना करता हूँ और चुप रहने का विकल्प चुनता हूँ।'
- २ किसी (दस्तावेज) पर हस्ताक्षर न करें! किन्हीं प्रश्नों के उत्तर देने या किसी दस्तावेज पर हस्ताक्षर करने से पहले आपको एक अटार्नी से सलाह लेने का अधिकार है।
- ३ आपको अधिकारियों को पहचानपत्र या आप्रवास संबंधी दस्तावेज दिखाने की ज़रूरत नहीं है। आग्रह किए जाने पर जवाब में यह कहें, 'मैं किसी अटार्नी से बात करना चाहता हूँ।' यदि आपके पास वैध ग्रीन कार्ड या कार्य का परमिट हो, तो इसे अपने साथ रखें।
- ४ न्यायाधीश द्वारा हस्ताक्षरित उचित वारंट के बिना किसी कानून प्रवर्तन एजेंट को आपके घर में घुसने की अनुमति नहीं है। उनके द्वारा पहले हस्ताक्षरित वारंट आपको दिखाए जाने तक दरवाजा मत खोलें।

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## अपने अधिकार जाने!

यदि आपको कानून प्रवर्तन द्वारा रोका जाए:

- यह कार्ड अधिकारी के हाथ में दे दें और चुप रहें।
- कार्ड में बताया गया है कि जब तक आप किसी वकील से बात नहीं कर लेते, तब तक किसी प्रश्न का उत्तर न देने के अपने अधिकार का प्रयोग कर रहे हैं।

अपने अधिकार जानने और उनकी रक्षा करने के बारे में अधिक जानकारी और संसाधनों के लिए कृपया [go.aficio.org/immigrationresources](https://go.aficio.org/immigrationresources) पर जाएं।

नोट: यह जानकारी, कानूनी सलाह नहीं है।

यहां से अलग करें



मैं चुप रहने के अपने अधिकार, आपके प्रश्नों के उत्तर न देने के अपने अधिकार, और किसी अटार्नी से सलाह किए बिना किसी दस्तावेज पर हस्ताक्षर न करने के अपने अधिकार का उपयोग कर रहा हूँ। यदि मुझे निरुद्ध किया गया है तो मैं तत्काल इस अटार्नी/संगठन से संपर्क का आग्रह करता हूँ। धन्यवाद।

फोन नंबर: \_\_\_\_\_

ទោះបីអ្នកនៅកន្លែងណាក៏ដោយ ផ្ទះ ឬនៅកន្លែងសហគមន៍របស់អ្នកក៏ដោយ  
**ចូលរួមក្នុងការពង្រឹងការការពារខ្លួនអ្នក**  
**ដឹងថាសិទ្ធិរបស់អ្នក**  
 និងត្រូវបានរៀបចំពេលចូលរួមជាមួយនឹងការអនុវត្តច្បាប់  
 រួមទាំងក្នុងការអនុវត្តច្បាប់សេរីផងដែរ។

- 1** នៅស្តង់ដារ, ឆ្ងល់យឺតបទចោទចំពោះ 5៥។ «ខ្ញុំឮឆ្ងល់យឺតបទចោទចំពោះ 5៥ និង ជំនួយសេរីការនៅស្តង់ដារ»។
- 2** កុំចុះហត្ថលេខាអ្វីទាំងអស់! អ្នកមានសិទ្ធិទៅ ពី គ្រប់ការយោបល់ជាមួយមេធាវីមុនពេលឆ្ងល់យឺត សំណួរ ណាមួយឬការចុះហត្ថលេខាលើឯកសារណាមួយ។
- 3** អ្នកមិនត្រូវបង្ហាញអត្តសញ្ញាណប័ណ្ណ ឬឯកសារអ្វីក៏ដោយទេ ទោះបីអ្នកឮឆ្ងល់យឺត ឬស្រីប្រើមានការសន្សំសំ សូមឆ្ងល់យឺតប ដោយនិយាយថា «ខ្ញុំឮឆ្ងល់យឺតយ៉ាវទៅកាន់មេធាវី មួយ។» ឬស្រីប្រើ អ្នកមានកាតបតែងតម្លៃឬប្រវត្តិ អនុញ្ញាតការងារ, កាន់វ៉ាចកជាមួយអ្នក។
- 4** ត្រូវមានក្នុងការអនុវត្តច្បាប់ណាមួយសិទ្ធិ ធំ ចូលរួមក្នុងការការពារខ្លួនអ្នកដោយមិនមានដីកាត្រឹមត្រូវ ចុះហត្ថលេខាដោយចោទក្នុងឆ្ងល់យឺត។ កុំបើកទូរស័ព្ទ ឱ្យពួកគេឃើញមិនមានការបង្ហាញអ្នកនូវដីកាមាន ចុះហត្ថលេខា ជាមុននោះ។

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**ស្ថិតិសិទ្ធិរបស់អ្នក !**

- បុរសប្រើអ្នកត្រូវបានបញ្ចូលដោយការអនុវត្តច្បាប់:
- កាន់កាតនេះទៅមន្ត្រីនិងសូមនៅឱ្យស្តង់ដារ។
  - កាតនេះបានពន្យល់ថាអ្នកកំពុងប្រើប្រាស់សិទ្ធិរបស់ អ្នក ក្នុងការបដិសេធមិនឆ្ងល់យឺតសំណួរណាមួយឬហត្ថលេខា អ្នកបាននិយាយជាមួយមេធាវី។

សម្រាប់ព័ត៌មាននិងធនធានបន្ថែមទៀតដើម្បីដឹងនិងការពារ  
 សិទ្ធិរបស់អ្នក សូមទៅមើល  
[go.aflcio.org/immigrationresources](http://go.aflcio.org/immigrationresources).

សម្គាល់: ព័ត៌មាននិងធនធាននេះមិនមែនជាសេចក្តីណែនាំឱ្យអ្នកប្រើប្រាស់សម្រាប់ប្រទេស ណាមួយនៃប្រទេសទាំងនេះ។

ដូចជាអ្នកដទៃទៀត

ខ្ញុំពុំកំពុងប្រើប្រាស់សិទ្ធិរបស់ខ្ញុំក្នុងការនៅស្តង់ដារ សិទ្ធិរបស់ខ្ញុំក្នុងការបដិសេធមិនឆ្ងល់យឺត សំណួររបស់អ្នកនិង សិទ្ធិរបស់ខ្ញុំក្នុងការបដិសេធការចុះ ហត្ថលេខាលើអ្វីមួយឬហត្ថលេខាលើខ្ញុំបានពីគ្រប់ការយោបល់ ជាមួយនឹងមេធាវី។ បុរសប្រើខ្ញុំត្រូវបានបំប្លែង ខ្ញុំស្រីប្រើស្រីដើម្បីទាក់ទង មេធាវីនេះ/អង្គការកុលាមក។ អគ្គណ។

លេខទូរស័ព្ទ: \_\_\_\_\_

노조에서 알려드립니다 직장,  
가정 또는 지역 사회 등 어디에 계시든  
**여러분의 권리를 기억하십시오**

이민국 요원을 비롯한 법 집행 당국에  
대응할 경우를 미리 대비하십시오.

- 1** 침착함을 유지하고 묵비권을 행사하십시오. “저는 묵비권을 행사하며 침묵을 지키겠습니다.”
- 2** 어떤 문서에도 서명하지 마십시오! 여러분께는 모든 질문 답변이나 문서 서명 전에 변호사와 상의할 권리가 있습니다.
- 3** 신분증이나 이민 서류를 정부 관리에게 제시할 필요가 없습니다. 그러한 요청을 받으면 “변호사와 상의하고 싶습니다.” 라고 대답하십시오. 합법적인 영주권 카드나 취업 허가증이 있다면 소지하십시오.
- 4** 어떠한 법 집행 요원도 판사가 서명 날인한 정당한 영장 없이는 여러분의 자택에 들어올 권리가 없습니다. 서명 날인된 영장을 먼저 제시하기 전에는 문을 열지 마십시오.

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**여러분의 권리를 기억하십시오!**

법 집행 당국의 검문을 받는 경우:

- 이 카드를 제시하고 묵비권을 행사하십시오.
- 이 카드는 변호사와 상의하기 전 어떠한 질문에도 대답을 거부할 권리를 행사하겠다는 사실이 명시되어 있습니다.

여러분의 권리를 주지하고 보호하기 위해 자세한  
정보와 자원을 원하시는 경우 웹 사이트  
[go.aflcio.org/immigrationresources](http://go.aflcio.org/immigrationresources) 를 방문해 주십시오.

주의: 본 정보는 법률적 조언의 성격을 갖지 않습니다.

자르는 선



본인은 변호사와 상의하기 전까지 묵비권과  
질문에 대한 답변도 거부할 권리 및 어떠한 문  
서에도 서명을 거부할 권리를 행사합니다. 본  
인이 구금될 경우 즉시 아래 변호사/기관에 연  
락을 취해줄 것을 요청합니다. 감사합니다.

전화번호: \_\_\_\_\_

無論您是在工作、在家還是在社區裡，  
勞工運動都希望您

## 了解自己的權利

並在執法部門與您接觸時做好準備，  
包括移民機構。

- 1 保持冷靜，並且援引《憲法第 5 修正案》。「我援引《憲法第 5 修正案》並選擇保持沉默。」
- 2 不要簽署任何內容！您有權在回答任何問題或簽署任何文件之前諮詢律師。
- 3 您無需向官員出示 ID 或移民文件。如被要求，請以「我希望和我的律師談話」來作答。如果您擁有有效的綠卡或工作許可證，請隨身攜帶。
- 4 任何執法機構都無權在沒有經法官簽署的正當搜查令的前提下，進入您的家中。請勿開門，除非他們首先向您出示經簽署的搜查令。

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## 了解您的權利！

如果您被執法部門攔截：

- 將此卡片交給官員並保持沉默。
- 此卡片會說明您正在行使自己在與律師交談前拒絕回答任何問題的權利。

如要獲得需要了解的更多資訊和資源，並捍衛您的權利，請造訪 [go.aflcio.org/immigrationresources](https://go.aflcio.org/immigrationresources)。

請注意：本資訊並不能

用作法律意見。

分離此部分。



我正在行使本人於諮詢律師前保持沉默、拒絕回答您的問題和拒絕簽署任何內容的權利。如果我被扣留，我要求立即聯絡此律師/組織。謝謝。電話號碼：\_\_\_\_\_

Nasa trabaho ka man, tahanan, o nasa iyong komunidad,  
gusto ng kilusan sa paggawa na

# ALAMIN MO ANG IYONG MGA KARAPATAN

at maging handa sa pakikipag-ugnayan sa mga nagpapatupad  
ng batas, kabilang ang mga kinatawan ng imigrasyon.

- 1** Huminahon, hingin ang iyong karapatang manahimik.  
“Ikakatwiran ko ang 5th ammendment at pipiliing manahimik.”
- 2** HUWAG lumagda sa kahit na ano! May karapatan kang kumonsulta sa abogado bago sumagot sa anumang tanong o lumagda sa kahit na anong dokumento.
- 3** HINDI mo kailangang magpakita sa mga opisyal ng ID o dokumento ng imigrasyon. Kung hihingin, tumugon sa pamamagitan ng pagsagot ng “Kakausapin ko muna ang aking abogado.” Kung mayroon kang valid na green card o permiso sa pagtatrabaho, dalhin ito.
- 4** Walang sinumang kinatawan ng pagpapatupad sa batas ang may karapatang pumasok sa iyong tahanan nang walang wastong warrant na nilagdaan ng isang hukom. HUWAG bubuksan ang pinto nang hindi muna nila ipinapakita sa iyo ang isang nilagdaang warrant.

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### ALAMIN MO ANG IYONG MGA KARAPATAN!

Kung pinigilan ka ng nagpapatupad ng batas:

- Ibigay ang card na ito sa opisyal at manahimik.
- Ipinapaliwanag ng card na iginigiit mo ang iyong karapatang tumanggi sa pagsagot ng anumang tanong hanggang sa makausap mo ang isang abogado.

**Para sa higit pang impormasyon at mapagkukunan upang malaman at maipagtanggol ang iyong mga karapatan, pakipuntahan ang [aflcio.org/immigrationresources](https://aflcio.org/immigrationresources).**

PAALALA: Ang impormasyong ito ay hindi naglalayong magbigay ng legal na payo.

TANGGALIN DITO

Iginigiit ko ang aking karapatang manahimik, ang aking karapatang tumanggi sa pagsagot ng inyong mga tanong at ang aking karapatang tumanggi na lumagda sa kahit na ano, hanggang sa makausap ko ang isang abogado. Kung ikukulong ako, hinihiling kong makaugnayan sa lalong madaling panahon ang abogado/organisasyon na ito. Salamat.

Numero ng telepono: \_\_\_\_\_

# سیناج قوقح ے نپا

کے چچ وک ٹنچی ای یھب یسک قلعت م سے سوناق ذافن  
کے پآ ریغب کے ٹنراو بسانم ہدرک طخت سد عی رذ  
بت ہاورد اپنا ۔۔ سے یں قح اک ے نوہ لغاد یں م رہگ  
ن ٹنراو دشد طخت سد وک پآ ہو کت بچ یں لوھک ہن کت  
۔۔ ے اھکد

# سی ناج قوقح ے نپا

IMMIGRATION WORKPLACE RAIDS AND AUDITS

Cho dù quý vị đang ở nơi làm việc, ở nhà hay trong cộng đồng của mình, phong trào công đoàn muốn quý vị

## Biết Quyền Của Mình

và chuẩn bị sẵn sàng khi làm việc với nhân viên thực thi pháp luật, bao gồm cả các đại lý dịch vụ di trú.

1

Hãy bình tĩnh, dựa vào tu chính án thứ năm. “Tôi dựa vào tu chính án thứ năm và chọn quyền im lặng.”

2

**KHÔNG** ký vào bất kỳ thứ gì! Quý vị có quyền tham vấn với một luật sư đại diện trước khi trả lời bất kỳ câu hỏi hay ký vào bất kỳ giấy tờ nào.

3

Quý vị **KHÔNG** cần đưa giấy tờ tùy thân hoặc giấy tờ di trú cho những nhân viên này. Nếu được yêu cầu, trả lời bằng cách nói “Tôi muốn được nói chuyện với một luật sư.” Nếu quý vị có thẻ xanh hay giấy phép làm việc hợp lệ, mang nó với quý vị.

4

Không đại lý thực thi pháp luật nào có quyền vào nhà quý vị mà không có lệnh khám nhà thích đáng được một thẩm phán ký. **KHÔNG** mở cửa khi họ chưa cho quý vị xem lệnh khám nhà có chữ ký.

## AFL-CIO

### BIẾT QUYỀN CỦA QUÝ VỊ!

Nếu quý vị bị dừng lại bởi nhân viên thực thi pháp luật:

- Đưa thẻ này cho nhân viên đó và giữ im lặng.
- Thẻ này giải thích rằng quý vị đang vận dụng quyền của mình trong việc từ chối trả lời các câu hỏi cho đến khi quý vị nói chuyện với một luật sư.

Để biết thêm thông tin và nguồn lực bảo vệ các quyền của quý vị, vui lòng truy cập [go.aflcio.org/immigrationresources](https://go.aflcio.org/immigrationresources).

LƯU Ý: Thông tin này không đóng vai trò là những lời khuyên mạnh mẽ pháp lý.

TÁCH RỜI Ở ĐÂY



Tôi đang thực hiện quyền của mình trong việc duy trì sự im lặng, quyền từ chối của tôi trong việc trả lời các câu hỏi của quý vị và quyền từ chối của tôi trong việc ký vào bất kỳ giấy tờ nào, cho đến khi tôi tham vấn với một luật sư đại diện. Nếu tôi bị giam giữ, tôi yêu cầu được liên lạc với luật sư/tổ chức này ngay lập tức. Xin cảm ơn.

Số điện thoại: \_\_\_\_\_

## **APPENDIX K**

# **Safe Workplace Poster— English and Spanish**

**THIS IS A SAFE WORKPLACE**  
**We Stand for ALL Workers.**

**WE WILL NOT TOLERATE:**

**RACISM**  
**SEXISM**  
**XENOPHOBIA**  
**ISLAMOPHOBIA**  
**HOMOPHOBIA**  
**TRANSPHOBIA**

#1USafeWorkplace



**AFL-CIO**

**ÉSTE ES UN LUGAR DE TRABAJO SEGURO**  
**Apoyamos a TODOS los trabajadores.**

**NO TOLERAREMOS:**

**RACISMO**

**SEXISMO**

**XENOFOBIA**

**ISLAMOFOBIA**

**HOMOFOBIA**

**TRANSFOBIA**



#1uTrabajoSeguro

AFL-CIO

# **APPENDIX L**

## **Immigration and Labor Issues Intake (Before a Workplace Raid)**

***This form only should be completed by an immigration attorney who represents the individual worker in this case.***

- A. Contact Details of Person Screened
- B. Primary Issues of Concern
- C. Details of Person with Immigration Issues
- D. Immigration History
- E. Currently in Immigration Proceedings
- F. Asylum Screening
- G. U or T Visa Screening—Survivors of Crime or Domestic Violence
- H. Workplace Violations—Including U/T Visa Screening in Workplace Context
- I. Law Enforcement History
- J. Family History
- K. Other Information
- L. Follow-up

| PERSON DOING INTAKE                                                                                                |  |
|--------------------------------------------------------------------------------------------------------------------|--|
| Full Name                                                                                                          |  |
| Contact Information                                                                                                |  |
| Institution                                                                                                        |  |
| CONTACT DETAILS OF PERSON SCREENED <i>(if family member, may be different from person with immigration issues)</i> |  |
| Full Name                                                                                                          |  |
| Phone                                                                                                              |  |
| Email                                                                                                              |  |
| Languages                                                                                                          |  |
| PRIMARY ISSUES OF CONCERN <i>(write short explanation; go to relevant sections only)</i>                           |  |
| Are you in immigration proceedings?<br>(Are you in custody? Have you interacted with immigration enforcement?)     |  |
| Are you afraid to return to a home country?                                                                        |  |
| Have you ever been a crime victim<br><i>(which might entitle you to U or T visa)?</i>                              |  |
| Did you ever face any labor violations while at work <i>(which might entitle you to U or T visa)?</i>              |  |

|                                                                                                                                                                                                      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Do you have family members who have any lawful immigration status in the United States <i>(which might entitle you to adjustment of status, e.g., son(s), daughter(s), parent(s), spouse, etc.)?</i> |  |
| Do you have U.S. citizen children or family members who would face significant hardship if you were deported <i>(which might entitle you to cancellation of removal)?</i>                            |  |
| Have you ever been arrested, charged or convicted of a crime?<br>Have you interacted with law enforcement <i>(this includes police or immigration agents)?</i>                                       |  |
| Do you have other concerns not mentioned here?                                                                                                                                                       |  |
| <b>DETAILS OF PERSON WITH IMMIGRATION ISSUES</b>                                                                                                                                                     |  |
| Full name and any other name(s) used                                                                                                                                                                 |  |
| A Number (if known)                                                                                                                                                                                  |  |
| Contact Information<br>(phone number, email address)                                                                                                                                                 |  |
| Address                                                                                                                                                                                              |  |
| Current Location                                                                                                                                                                                     |  |
| Date of Birth                                                                                                                                                                                        |  |
| Place of Birth                                                                                                                                                                                       |  |
| Country of Citizenship                                                                                                                                                                               |  |
| If detained, whom should be notified (family or friend)?<br><i>Please provide contact info.</i>                                                                                                      |  |
| Are you a union member?<br>• If yes: what union?<br>• Who is your union representative?<br>Please provide contact info.<br>• Who is your union steward?<br>Please provide contact info.              |  |

|                                                                                                                                                                                                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Do you have (have you had) an immigration attorney?</p> <ul style="list-style-type: none"> <li>• If yes: name, contact info</li> <li>• Can you afford a private immigration attorney?</li> </ul> |  |
| <p>Have you ever had an attorney?</p> <ul style="list-style-type: none"> <li>• For what purpose (civil, immigration or criminal)?</li> <li>• When?</li> <li>• Experience with them?</li> </ul>      |  |

### IMMIGRATION HISTORY

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>When and how did you first enter the United States?</p> <ul style="list-style-type: none"> <li>• Date (month and year)?</li> <li>• Where?</li> <li>• How did you first enter? (With/without papers?)</li> <li>• How old were you when you first entered?</li> </ul>                                                                                                                                                                               |  |
| <p>Did you have any interaction with immigration authorities when you first entered the United States?</p> <ul style="list-style-type: none"> <li>• Describe the interaction.</li> <li>• Did you try to enter the United States more than once?</li> <li>• Did you sign any papers at the border?</li> </ul>                                                                                                                                         |  |
| <p>Have you ever left the United States since you first entered?</p> <ul style="list-style-type: none"> <li>• How many times did you leave since you first entered?</li> <li>• For each instance:</li> <li>• When did you leave?</li> <li>• Why did you leave?</li> <li>• How long were you outside the country?</li> <li>• When did you return to the United States?</li> <li>• Did you have any contact with immigration at the border?</li> </ul> |  |
| <p>Have you ever had any prior contact with ICE (immigration authorities)?</p>                                                                                                                                                                                                                                                                                                                                                                       |  |

|                                                                                                                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Have you ever been deported (or been ordered deported)?</p> <ul style="list-style-type: none"> <li>• When?</li> <li>• Circumstances?</li> <li>• Were you actually deported/ removed?</li> </ul>                                                                                                                                          |  |
| <p>Have you ever left the United States with a “voluntary departure” or otherwise as a result of interaction with immigration authorities?</p>                                                                                                                                                                                              |  |
| <p>Do you currently have any legal immigration status?</p> <ul style="list-style-type: none"> <li>• What’s your status?</li> <li>• How did you obtain this status?</li> <li>• When does it expire?</li> </ul>                                                                                                                               |  |
| <p>Have you ever tried to change your status?</p> <ul style="list-style-type: none"> <li>• When?</li> <li>• How?</li> <li>• What was the result?</li> </ul>                                                                                                                                                                                 |  |
| <p>Has a relative ever filed a petition for you or your parents?</p> <ul style="list-style-type: none"> <li>• If so, who was the petitioner?</li> <li>• When was the petition filed (exact date)?</li> <li>• What was the reason for filing the petition?</li> <li>• What was the result of the petition (rejected or approved)?</li> </ul> |  |
| <p>Has an employer ever filed a petition for you or your parents or spouse?</p> <ul style="list-style-type: none"> <li>• If so, answer the same questions above.</li> </ul>                                                                                                                                                                 |  |

**CURRENTLY IN IMMIGRATION PROCEEDINGS**

If detained, when, where and how were you placed into ICE custody?

Where are you currently held, if detained? Since when?

Have you seen an immigration judge? (Date, purpose, results)

- Were you given a copy of the Notice to Appear or any other documents? (If yes, write factual and legal allegations on NTA or copy document(s).)
- Do you have a final order?

Do you have a scheduled court date or deadline?

- What type of hearing is it?
- What is the date or deadline?

**ASYLUM SCREENING**

Have you ever applied for asylum or refugee status?

- When?
- Where?
- Affirmative or defensive?
- Did you have a credible fear interview? If so, When? What was the outcome?

Have you been in the United States for less than a year?

- If not, screen for eligibility for an exemption to the one-year bar? (Changed or extraordinary circumstances, including mental health issues.)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Have you suffered/do you fear harm (persecution) if returned to your home country?                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| Who are you afraid will harm you?                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <p>Why do you think they would harm you?</p> <p>Is your fear of harm (persecution/ fear of persecution) because of a “protected ground” recognized by asylum law—race, religion, nationality, political opinion, membership in particular social group? Which?</p> <p>Consider, for example, gender, sexual orientation/identity, domestic violence, gang-based claims (i.e., taking steps to resist gang recruitment, testified against gang members, former gang members, family members of...).</p> |  |
| <p>Have you ever gone to the police or law enforcement authority in your home country to seek help?</p> <ul style="list-style-type: none"> <li>• Did they help you?</li> <li>• Do you think they would help you? Why or why not?</li> </ul>                                                                                                                                                                                                                                                            |  |
| <p>Since you left your country of origin, have you lived in any other country?</p> <ul style="list-style-type: none"> <li>• For how long?</li> <li>• Did you have/apply for any legal status there?</li> </ul>                                                                                                                                                                                                                                                                                         |  |
| <p>Have you been convicted of a crime? (Certain serious crimes may be a bar from asylum; in some cases, may still qualify for “withholding.”)</p> <p>Other bars: persecuted others; terrorism; security danger. See more detailed criminal history questions below.)</p>                                                                                                                                                                                                                               |  |

## U OR T VISA SCREENING—SURVIVORS OF CRIME OR DOMESTIC VIOLENCE

### U visa for crime victims:

Have you ever been a victim of a crime in the United States?

- What crime were you a victim of?
- Where and when?
- Did you report it to the police or any law enforcement agency?  
Where and when did you report?
- If not, would you report it to the police or any law enforcement agency?
- Did the crime cause you harm?  
What kind of harm?

### Derivative U visa:

Have either of your parents been victims of a crime?

- Which parent?
- What crime?
- Where and when?
- Did they report it to the police or any law enforcement agency?  
Where and when?
- If not, would they report it to the police or any law enforcement agency?
- Did the crime cause you harm?  
What kind of harm?

Have any of your siblings been victims of a crime? [Same follow-up questions as above. Also, who was the sibling? How old was the sibling at the time of the crime?]

Have any of your children been victims of a crime? [Same follow-up questions as above. Also, which child? How old was the child at the time of the crime?]

### U visa for domestic violence:

Are you a survivor of domestic violence?

- When?
- By whom?
- Were you married to your abuser?
- What is the immigration status of the abuser?
- Did you report the domestic violence to the police?
- If you reported, what happened when you reported?

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><b>Derivative U visa for domestic violence:</b></p> <p>Has your parent, child, spouse or sibling been a victim of domestic violence?</p> <ul style="list-style-type: none"> <li>• When?</li> <li>• By whom?</li> <li>• Was the survivor married to her/his abuser?</li> <li>• What is the immigration status of the abuser?</li> <li>• Did the survivor report the domestic violence to the police?</li> <li>• If they reported, what happened when they reported?</li> </ul>                                                                                                                                                                            |  |
| <p><b>WORKPLACE VIOLATIONS—INCLUDING U/T VISA SCREENING IN WORKPLACE CONTEXT</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <p><b>Current/Most Recent Employer Details</b></p> <ul style="list-style-type: none"> <li>• Industry where you work?</li> <li>• Name of employer</li> <li>• Name of supervisor</li> <li>• Worksite address</li> <li>• Dates of employment</li> <li>• Position/title</li> <li>• Work you do?</li> <li>• When did you start working there?</li> </ul>                                                                                                                                                                                                                                                                                                         |  |
| <p><b>Wage and Hour Violations</b></p> <ul style="list-style-type: none"> <li>• Status (full-time, part-time, temporary, seasonal, multiple jobs)</li> <li>• Salary</li> <li>• Form of payment</li> <li>• Is the salary you are paid the salary you were promised when you started?</li> <li>• What are your hours?</li> <li>• How many hours do you work per week?</li> <li>• How are your hours monitored?</li> <li>• Do you get breaks? How long? How often? Paid?</li> <li>• Were you ever sent home without being given work? Were you paid for that day?</li> <li>• Were you ever not paid in full or in part? Did a paycheck ever bounce?</li> </ul> |  |
| <p><b>Health and Safety Violations</b></p> <ul style="list-style-type: none"> <li>• Did you ever feel unsafe or in danger at the workplace? How? Please describe.</li> <li>• Did your supervisor or employer ever make you feel unsafe? How? Please describe.</li> <li>• How do you feel about your working conditions?</li> </ul>                                                                                                                                                                                                                                                                                                                          |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><b>Threats, Intimidation, Retaliation</b></p> <p>Did you ever complain to your boss or to any government agency about your pay or working conditions (i.e., was there retaliation)?</p> <ul style="list-style-type: none"> <li>• If so, describe what happened.</li> <li>• If you complained to a government agency, did your boss (or anyone else) try to discourage you or influence your testimony in any way?</li> <li>• If not, did you want to complain but decided not to because you were scared?</li> <li>• What were you scared of? Why?</li> <li>• Did any of your co-workers ever complain to your boss or to any government agency about pay or working conditions?</li> <li>• If so, describe what happened. If they complained to a government agency, did your boss (or anyone else) try to discourage them or influence any of the workers' testimony?</li> </ul> <p>Did you think you would suffer any negative consequences if you complained about your pay or working conditions? Why/why not?</p> <p>Did your employer or supervisors ever threaten you in any way (e.g., threats of physical violence, threats to report you to immigration)?</p> <p>Did you feel free to leave your job?</p> <ul style="list-style-type: none"> <li>• Did your employer ever threaten any consequences for leaving?</li> <li>• Did your employer keep any of your personal identification or documents under his/her control (i.e., passport, work authorization, etc.)?</li> </ul> <p>Were you hired for your job here or in your home country?</p> <ul style="list-style-type: none"> <li>• If in your home country, were any promises made to you about that job?</li> <li>• Did they turn out to be true or false?</li> </ul> |  |
| <p><b>Discrimination</b></p> <ul style="list-style-type: none"> <li>• Does your employer treat everyone the same?</li> <li>• Did you ever feel discriminated against for any reason? How? When?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |

**Prior Employers**

Were you unpaid or underpaid in any prior employment? Were your workplaces unsafe? Did you ever suffer any threats? Did you ever file any complaints about the treatment you received?

If so, answer the questions above regarding prior employment—including who the employer is, when you worked there, wage and hour violations, health and safety violations, discrimination, and threats/retaliation.

**T Visa:**

Have you ever been forced to work against your will in the United States?

- If so, who tried to force you to work against your will?

Please describe how you were forced to work against your will.

- How were you recruited?
- What pay and conditions were you promised?
- What were the actual pay and conditions?
- Were your documents taken from you?
- What type of work did you perform? (Domestic labor? Commercial sex work?)
- How did you get paid?
- Were you ever threatened that you or someone else would be harmed if you didn't work? If yes, describe what you were told.
- How were you able to escape?
- Do you know the identity of those who forced you to work (traffickers)?
- Did you report this to authorities?
- Would you report this?

## LAW ENFORCEMENT HISTORY

Have you ever had any contact with the local police, the courts or a probation office?

- Please describe.

Have you ever been arrested?

For each arrest:

- When were you arrested?
- Where were you arrested?
- Who arrested you?
- Were you charged with a crime?
- Were you convicted of a crime?
- Did you reach a plea agreement?
- Did you have a sentence? What was the sentence?
- Did you serve any time in jail? How much time?
- Did you have a probation?
- Did you serve the terms of your probation?

Have you ever been stopped while you were driving?

For each stop:

- When?
- Where?
- Did you receive any penalty for any of these stops? What penalty? When?
- Do you have any traffic offenses?
- Were you ever stopped for driving under the influence of alcohol?

Do you have any outstanding warrants?

Have you completed all the requirements of your probation (fines, classes, community service, etc.)?

Were you aware of the immigration consequences of your criminal convictions?

- Did you plea guilty?
- Did your lawyer or the judge tell you that there were immigration consequences for your plea?

## FAMILY HISTORY

|                                                                                                                                                                                                                                |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| What is the immigration status of your parents? (Please provide name, location, immigration status of each.)                                                                                                                   |  |
| What is the immigration status of your siblings? (Please provide name, location, immigration status of each.)                                                                                                                  |  |
| Are you married? Is your partner/spouse a U.S. citizen or resident? Where does s/he live?                                                                                                                                      |  |
| Do you have a boyfriend/girlfriend (or domestic partner)? What his his/her immigration status? Where does s/he live?                                                                                                           |  |
| Do you have any children? <ul style="list-style-type: none"><li>• How many?</li><li>• Ages?</li><li>• Immigration status?</li><li>• Do they live with you?</li><li>• Do you support them?</li></ul>                            |  |
| Do you have any other relatives who are citizens or residents? <ul style="list-style-type: none"><li>• Who? What is your relationship to them?</li><li>• Location?</li><li>• Immigration status?</li></ul>                     |  |
| Are you responsible for others? <ul style="list-style-type: none"><li>• What is your relationship to them?</li><li>• Age?</li><li>• How are you responsible?</li></ul>                                                         |  |
| Do your children or other close relatives have medical or special needs that you are responsible for?<br><br>Do any of your family members rely heavily upon you to survive physically? Economically? If yes, please describe. |  |

| OTHER INFORMATION                                                                                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Do you suffer from any medical illnesses that may be relevant?                                                                                                 |  |
| Do you have any mental health issues? Have you ever been diagnosed with a mental illness? Do you suffer from trauma?                                           |  |
| Are you a member of/volunteer with any local community organization, group, activist organization, sport club or church? Which groups? How do you participate? |  |
| Are you a member of the LGBTQ community?                                                                                                                       |  |
| Have you ever been to/are you currently in school in the United States? What was the highest level school you attended? Did you earn a GED?                    |  |
| FOLLOW-UP                                                                                                                                                      |  |
| Interest in public advocacy in connection with your case?                                                                                                      |  |
| Recommendations for next steps.                                                                                                                                |  |
| Follow-up promised?                                                                                                                                            |  |

# APPENDIX M

## Form G-28



Notice of Entry of Appearance  
as Attorney or Accredited Representative

Department of Homeland Security

DHS  
Form G-28  
OMB No. 1615-0105  
Expires 03/31/2018

Part 1. Information About Attorney or  
Accredited Representative

1. USCIS ELIS Account Number (if any)

▶

Name and Address of Attorney or Accredited  
Representative

- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Middle Name
- 3.a. Street Number and Name
- 3.b. Apt. ☐ Ste. ☐ Flr. ☐
- 3.c. City or Town
- 3.d. State  3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country
4. Daytime Telephone Number
5. Fax Number
6. E-Mail Address (if any)
7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or  
Accredited Representative

This appearance relates to immigration matters before  
(Select **only one** box):

- 1.a. ☐ USCIS

- 1.b. List the form numbers

- 2.a. ☐ ICE

- 2.b. List the specific matter in which appearance is entered

- 3.a. ☐ CBP

- 3.b. List the specific matter in which appearance is entered

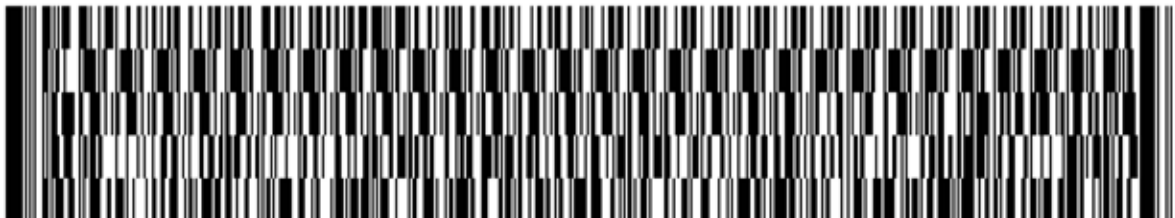
I enter my appearance as attorney or accredited representative at  
the request of:

4. Select **only one** box:

- ☐ Applicant ☐ Petitioner ☐ Requestor  
☐ Respondent (ICE, CBP)

Information About Applicant, Petitioner,  
Requestor, or Respondent

- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name
6. Name of Company or Organization (if applicable)



**Part 2. Notice of Appearance as Attorney or Accredited Representative** *(continued)*

**Information About Applicant, Petitioner, Requestor, or Respondent** *(continued)*

7. USCIS ELIS Account Number *(if any)*  
▶
8. Alien Registration Number (A-Number) or Receipt Number
9. Daytime Telephone Number
10. Mobile Telephone Number *(if any)*
11. E-Mail Address *(if any)*

**Mailing Address of Applicant, Petitioner, Requestor, or Respondent**

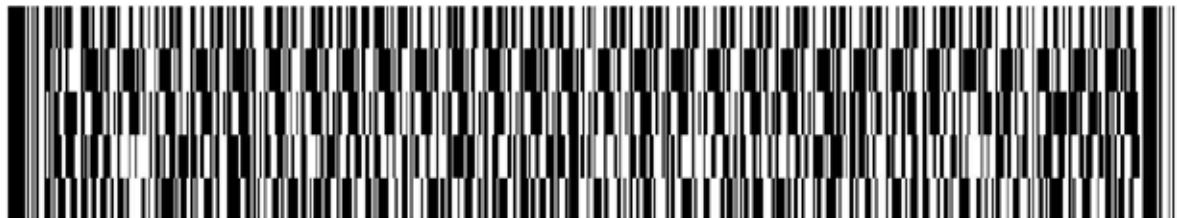
**NOTE:** Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

- 12.a. Street Number and Name
- 12.b. Apt. ☐ Ste. ☐ Flr. ☐
- 12.c. City or Town
- 12.d. State  12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

**Part 3. Eligibility Information for Attorney or Accredited Representative**

Select **all applicable** items.

- 1.a. ☐ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. *(If you need additional space, use Part 6.)*  
Licensing Authority
- 1.b. Bar Number *(if applicable)*
- 1.c. Name of Law Firm
- 1.d. I *(choose one)* ☐ **am not** ☐ **am**  
subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. *(If you need additional space, use Part 6.)*
- 2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires  
*(mm/dd/yyyy)* ▶



**Part 3. Eligibility Information for Attorney or Accredited Representative** *(continued)*

3. ☐ I am associated with \_\_\_\_\_  
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

**NOTE:** If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c.** in **Part 3.** *(whichever is appropriate).*

- 4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

- 4.b. Name of Law Student or Law Graduate

**Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature**

**Consent to Representation and Release of Information**

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent



- 3.b. Date of Signature (mm/dd/yyyy) ▶

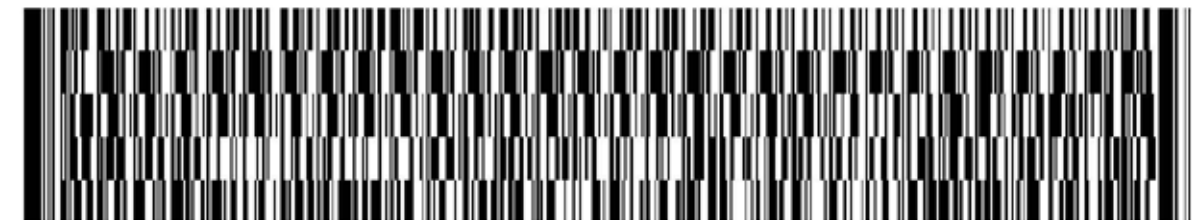
**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

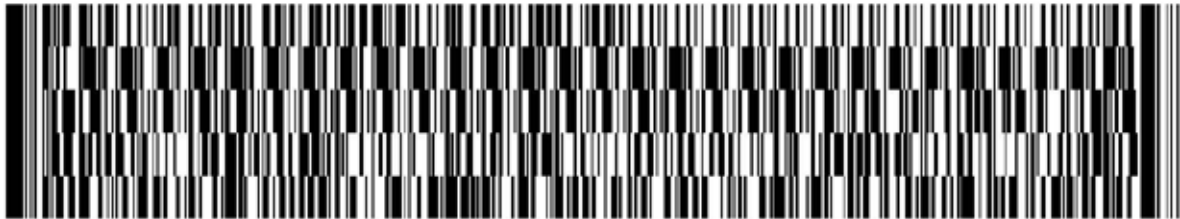
1. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ▶



Use the space provided below to provide additional information pertaining to **Part 3, Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)

This image shows a full page of white paper with horizontal grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or general writing. There are no margins, text, or other markings on the page.

# **APPENDIX N**

## **Privacy Waiver Authorization Disclosure to a Third Party**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**PRIVACY WAIVER AUTHORIZING DISCLOSURE TO A THIRD PARTY**

Use this form to authorize the U.S. Department of Homeland Security ("DHS") to disclose information and/or records about you to a third party. Taking this action is entirely voluntary; you are under no obligation to consent to the release of your information to any third party. **Authority:** Privacy Act of 1974 (5 U.S.C. § 552a); DHS Privacy Act Regulations (6 C.F.R. § 5.21(d)).

**STEP 1 Provide information about yourself and identify the third party that you intend to receive your information and/or records (the "Recipient").**

|                                                                                                             |                                                 |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Your Full Name:                                                                                             | Your Alien Registration Number (if applicable): |
| Your Current Address:                                                                                       | Date of Birth:<br>Country of Birth:             |
| Recipient's Name:                                                                                           | Recipient's Phone Number:                       |
| Recipient's Mailing Address (required if requesting disclosure by mail):                                    |                                                 |
| Recipient's Organization, if the waiver will apply to it (e.g. news media, congressional office, law firm): |                                                 |

**STEP 2 Specify what information and/or records DHS is authorized to share with the Recipient.**

- |                                                                 |                                                |                                                 |
|-----------------------------------------------------------------|------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Identifying Data (Date of Birth, etc.) | <input type="checkbox"/> Family Data           | <input type="checkbox"/> Travel/Border Crossing |
| <input type="checkbox"/> Immigration Case                       | <input type="checkbox"/> Detention Information | <input type="checkbox"/> Medical Information    |
| <input type="checkbox"/> Alien File (A-File)                    | <input type="checkbox"/> Criminal History      | <input type="checkbox"/> Criminal Case          |

**AND/OR**

☐ The following information/records (describe): \_\_\_\_\_

**OR**

☐ ALL information and/or Records Requested by the Recipient

**For Aliens Only:** If you have applied for or received any of the immigration benefits below, you are legally entitled to confidentiality. (See reverse for more information.) If you want DHS to share information about these benefits with the Recipient, you must waive your confidentiality rights by checking the appropriate boxes below. Waiver of these rights is not required; however, if you do not waive these rights DHS may be unable to disclose to the Recipient some or all of the information you identified above.

**I waive my right to confidentiality and authorize disclosure to the Recipient regarding these immigration benefits:**

- |                                                                                         |                                                                           |                                                                 |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Temporary Protected Status (TPS)                               | <input type="checkbox"/> T Visa (for trafficking victims)                 | <input type="checkbox"/> U Visa (for victims of certain crimes) |
| <input type="checkbox"/> Seasonal Agricultural Worker                                   | <input type="checkbox"/> Battered Spouse/Child<br>Seeking Hardship Waiver | <input type="checkbox"/> Violence Against Women Act<br>(VAWA)   |
| <input type="checkbox"/> Asylum<br>(confidentiality applies even if petition is denied) |                                                                           |                                                                 |

**STEP 3 Sign the statement below authorizing DHS to disclose your information and/or records to the Recipient.**

I certify under penalty of perjury that the information above is accurate. I authorize DHS, its components, offices, employees, contractors, agents, and assignees, to disclose the information or records specified above to the Recipient. I understand this may include and is not limited to reports, evaluations, and notes of any kind, contained in any record keeping system maintained by or on behalf of DHS; that DHS retains the discretion to decide if particular records or information are within the scope of this Waiver; and that DHS has no control over how the Recipient will use or disseminate my information. I agree to release and hold harmless DHS, its components, offices, employees, contractors, agents, and assignees, from any and all claims of action or damages of any kind arising from, or in any way connected to, the release or use of any information or records pursuant to this Waiver.

|                 |                    |
|-----------------|--------------------|
| Your Signature: | Witness Signature: |
| Date:           | Witness Name:      |

\*Privacy Waiver is valid for 90 days from date of signature

\*Witness may not be the Recipient or employed by Recipient's employer

### Explanation of Immigrant Benefits

If you have applied for or received any of the immigration benefits below, you may be legally entitled to confidentiality regarding these benefits. An explanation of these benefits is provided below to help you identify whether you have applied for such benefits. If you have applied for or received these benefits and you want DHS to share information about these benefits with the Recipient, you must waive your confidentiality rights by checking the appropriate boxes in Step 2 of this form (reverse). You are not required to waive confidentiality regarding these benefits; however, if you do not waive these rights DHS may be unable to disclose to the Recipient some or all of the information you identified above.

Temporary Protected Status (TPS) - 8 U.S.C. § 1254a(c)(6). TPS is for foreign nationals currently residing in the U.S. whose homeland conditions are recognized by the U.S. government as being temporarily unsafe or overly dangerous to return to (e.g., war, earthquake, flood, drought, or other extraordinary and temporary conditions). ICE may disclose information related to TPS to a third party with the consent of the alien.

T Visas and U Visas - Public Law 106-386, Section 701(c)(1)(C). A T visa allows certain victims of human trafficking to remain in the United States for a period of time. A U visa allows certain victims of crimes to remain in the United States for a period of time. ICE may disclose information related to T and U visas to third parties with the consent of the alien.

Legalization Claims, including Seasonal Agricultural Worker (SAW) Claims - 8 U.S.C. § 1255a(c)(4) and (5) and 8 U.S.C. § 1160(b)(5) and (6). Individuals who have applied for legalization, including those individuals employed in agricultural work of a seasonal or temporary nature who have made SAW Claims, may permit ICE to disclose information related to their claim to a third party with the individual's consent.

Battered Spouse or Child Information - 8 U.S.C. § 1186a(c)(4)(C). This provision applies to a battered alien or child who has applied for a hardship waiver from removal under the INA. ICE may disclose information the alien provided to ICE in support his or her request for waiver to a third party with consent of the alien.

Information Relating to Violence Against Women Act (VAWA) Claimants - 8 U.S.C. § 1367(a)(2). This provision applies to a person who has filed a claim under the VAWA. ICE may disclose information related to a person's claim to a third party with the consent of the person.

Asylum Information - 8 C.F.R. § 208.6. This provision applies to individuals who have applied for asylum, and confidentiality regarding the asylum claim applies even if the claim is ultimately denied. ICE may disclose information related to an individual's asylum claim to a third party with the consent of the person.

### Revocation of Privacy Waiver

This Privacy Waiver is valid for 90 days from the date of signature unless you have otherwise specified on this form. You may revoke this Privacy Waiver at any time by contacting the ICE Privacy Office (202-732-3300 or [ICEPrivacy@dhs.gov](mailto:ICEPrivacy@dhs.gov)) or the relevant ICE office handling this matter or case. Certain information about you may be requested to confirm your identity and you may be asked to revoke the waiver in writing.

# **APPENDIX 0**

## **Sample Power of Attorney**

**Note:** *This is a sample of power of attorney only and should not be used since it may not be enforceable in your state. Since legal requirements vary from state to state, please be sure to consult with an attorney to get an appropriate power of attorney for your state.*

## **DURABLE POWER OF ATTORNEY**

**OF**

---

**NOTICE TO PERSON EXECUTING DURABLE POWER OF ATTORNEY: A DURABLE POWER OF ATTORNEY IS AN IMPORTANT LEGAL DOCUMENT. BY SIGNING THE DURABLE POWER OF ATTORNEY, YOU ARE AUTHORIZING ANOTHER PERSON TO ACT FOR YOU, THE PRINCIPAL. BEFORE YOU SIGN THIS DURABLE POWER OF ATTORNEY, YOU SHOULD KNOW THESE IMPORTANT FACTS:**

**YOUR AGENT (ATTORNEY-IN-FACT) HAS NO DUTY TO ACT UNLESS YOU AND YOUR AGENT AGREE OTHERWISE IN WRITING.**

**THIS DOCUMENT GIVES YOUR AGENT THE POWERS TO MANAGE, DISPOSE OF, SELL, AND CONVEY YOUR REAL AND PERSONAL PROPERTY, AND TO USE YOUR PROPERTY AS SECURITY IF YOUR AGENT BORROWS MONEY ON YOUR BEHALF. THIS DOCUMENT DOES NOT GIVE YOUR AGENT THE POWER TO ACCEPT OR RECEIVE ANY OF YOUR PROPERTY, IN TRUST OR OTHERWISE, AS A GIFT, UNLESS YOU**

**SPECIFICALLY AUTHORIZE THE AGENT TO ACCEPT OR RECEIVE A GIFT.**

**YOUR AGENT WILL HAVE THE RIGHT TO RECEIVE REASONABLE PAYMENT FOR SERVICES PROVIDED UNDER THIS DURABLE POWER OF ATTORNEY UNLESS YOU PROVIDE OTHERWISE IN THIS POWER OF ATTORNEY.**

**THE POWERS YOU GIVE YOUR AGENT WILL CONTINUE TO EXIST FOR YOUR ENTIRE LIFETIME, UNLESS YOU STATE THAT THE DURABLE POWER OF ATTORNEY WILL LAST FOR A SHORTER PERIOD OF TIME OR UNLESS YOU OTHERWISE TERMINATE THE DURABLE POWER OF ATTORNEY. THE POWERS YOU GIVE YOUR AGENT IN THIS DURABLE POWER OF ATTORNEY WILL CONTINUE TO EXIST EVEN IF YOU CAN NO LONGER MAKE YOUR OWN DECISIONS RESPECTING THE MANAGEMENT OF YOUR PROPERTY.**

**YOU CAN AMEND OR CHANGE THIS DURABLE POWER OF ATTORNEY ONLY BY EXECUTING A NEW DURABLE POWER OF ATTORNEY OR BY EXECUTING AN AMENDMENT THROUGH THE SAME FORMALITIES AS AN ORIGINAL. YOU HAVE THE RIGHT TO REVOKE OR TERMINATE THIS DURABLE POWER OF ATTORNEY AT ANY TIME, SO LONG AS YOU ARE COMPETENT.**

**THIS DURABLE POWER OF ATTORNEY MUST BE DATED AND MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR SIGNED BY TWO WITNESSES. IF IT IS SIGNED BY TWO WITNESSES, THEY MUST WITNESS EITHER (1) THE SIGNING OF THE POWER OF ATTORNEY OR (2) THE PRINCIPAL'S SIGNING OR ACKNOWLEDGMENT OF HIS OR HER SIGNATURE. A DURABLE POWER OF ATTORNEY THAT MAY AFFECT REAL PROPERTY SHOULD BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC SO THAT IT MAY EASILY BE RECORDED.**

**YOU SHOULD READ THIS DURABLE POWER OF ATTORNEY CAREFULLY. WHEN EFFECTIVE, THIS DURABLE POWER OF ATTORNEY WILL GIVE YOUR AGENT THE RIGHT TO DEAL WITH PROPERTY THAT YOU NOW HAVE OR MIGHT ACQUIRE IN THE FUTURE. THE DURABLE POWER OF ATTORNEY IS IMPORTANT TO YOU. IF YOU DO NOT UNDERSTAND THE DURABLE POWER OF ATTORNEY, OR ANY PROVISION OF IT, THEN YOU SHOULD OBTAIN THE ASSISTANCE OF AN ATTORNEY OR OTHER QUALIFIED PERSON.**

## **I. PRINCIPAL AND AGENT**

I, \_\_\_\_\_,  
who reside at \_\_\_\_\_

\_\_\_\_\_/  
appoint the following person to serve as my AGENT, to act for me in any lawful way with respect to the subjects indicated below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

If \_\_\_\_\_ (AGENT) resigns or is unable or unwilling to serve or continue to serve as my attorney-in-fact, I appoint the following person to serve as my successor AGENT :

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

## II. EFFECTIVE TIME

This power of attorney is effective immediately, and will not be affected by subsequent disability or incapacity of the principal. This is a durable power of attorney.

OR this power of attorney will terminate on:\_\_\_\_\_

## III. POWERS OF AGENT

To the extent permitted by law, my AGENT may act in my name, place, and stead in any way that I myself could with respect to the following matters:

**YOUR AGENT SHALL BE AUTHORIZED TO ENGAGE ONLY IN THOSE ACTIVITIES THAT ARE INITIALED.**

### (\_\_\_\_) TANGIBLE PERSONAL PROPERTY TRANSACTIONS:

- Buy or otherwise acquire ownership or possession of, sell or otherwise dispose of, mortgage, pledge, assign, lease, insure, maintain, improve, pay taxes on, otherwise manage tangible personal property and interests in tangible personal property that I now own or later acquire, and exercise all powers with respect to personal property and interests in personal property that I could if present and under no disability.

### (\_\_\_\_) BANKING AND FINANCIAL TRANSACTIONS:

Conduct any business with banks, savings and loan associations, credit unions, and other financial institutions, including but not limited to the authority to:

- Sign and endorse all checks and drafts in my name.
- Deposit and withdraw funds from accounts.
- Open, maintain, and close accounts or other banking arrangements.
- Open, continue, and have access to all safe deposit boxes, and add and remove items from them.
- Borrow money, pledge property as security, and negotiate terms of debt payments.
- Apply for and receive letters of credit, credit cards, and traveler's checks, and give an indemnity or other agreement in connection with letters of credit.

- Exercise all powers with respect to financial institution transactions that I could if present and under no disability.
- Buy, sell, pledge, and exchange stocks, mutual funds, bonds, options, commodity futures, and all other types of securities in my name.
- Sign, accept, and deliver in my name certificates, contracts, or other documents relating to the foregoing, including agreements with brokers or agents.
- Exercise voting and other rights and enter into agreements relating thereto.
- Hire and discharge professionals providing services related to the management and investment of any securities in my name.
- Exercise all powers with respect to securities that I could if present and under no disability.

(\_\_\_\_\_) **BUSINESS OPERATION TRANSACTIONS:**

- Buy, sell, expand, reduce, or terminate a business interest, including but not limited to shares in a corporation, membership interests in a limited liability company, and partnership interests in a general, limited, or limited liability partnership.
- Manage and operate any business or business interest that I now have or later acquire, including but not limited to the authority to:
- Enter into, amend, enforce, and terminate any business contract.
- Disburse, receive, and demand money in the operation of the business.
- Merge, reorganize, or sell a business or part of a business.
- Determine the location, nature, and method of operating the business.
- Hire and discharge employees and agents.
- If an agent is permitted by law to act for a principal, and subject to the terms of any partnership or operating agreement, perform any duty and exercise any right, power, or privilege that I have under a partnership or operating agreement, to enforce the terms of a partnership or operating agreement, and to defend, arbitrate, and settle any legal proceeding to which I am a party because of membership in a partnership or limited liability company.
- Exercise a right, power, or privilege that I have as the holder of a bond, share, or instrument of similar character and to defend, arbitrate, and settle any legal proceeding to which I am a party because of any bond, share, or similar instrument.
- Exercise all powers with respect to business operation transactions that I could if present and under no disability.

(\_\_\_\_) **INSURANCE AND ANNUITY TRANSACTIONS:**

- Obtain, modify, renew, convert, rescind, pay the premium on, or terminate insurance and annuities of all types for myself and for my family and other dependents.
- Designate the beneficiary of the contract, but the AGENT may be named a beneficiary of the contract, or an extension, renewal, or substitute for it, only if the AGENT was named as a beneficiary under a contract procured by the principal before signing this power of attorney.
- Surrender and receive the cash value, borrow against, or pledge any insurance or annuity policy.
- Exercise all powers with respect to insurance and annuity transactions that I could if present and under no disability.

(\_\_\_\_) **LEGAL ACTIONS:**

To act for me in all legal matters, whether claims in my favor or against me, including but not limited to the authority to retain and discharge attorneys on my behalf; appear for me in all actions and proceedings, commence actions in my name, sign all documents, submit claims to arbitration or mediation, settle claims, and pay judgments and settlements; and exercise all powers with respect to legal actions that I could if present and under no disability.

(\_\_\_\_) **PERSONAL AND FAMILY CARE:**

To do all acts necessary to maintain my customary standard of living, and that of any individuals legally entitled to be supported by me, including but not limited to the authority to provide and pay for medical care, shelter, clothing, food, usual vacations, education, transportation, and dues for social organizations and to exercise all powers with respect to personal and family care that I could if present and under no disability. My AGENT is specifically authorized to hire and compensate household, nursing, and other employees necessary for my well-being and that of any individuals legally entitled to be supported by me, and to enter into contracts and commit my resources with respect to the provision of my residential care in a convalescent hospital, skilled nursing home, or alternative residential facility.

(\_\_\_\_\_) **CHILDREN:**

The said AGENT shall have my full permission and consent for the following children:

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Additional children are listed in Attachment A. The Agent shall have the power to do the following:

- To give consent for emergency medical treatment ( as needed by my child(ren) in the event that I cannot be reached immediately at the time of the emergency. The determination of the need for such care may be made by my agent.
- To authorize all necessary medical treatment, including surgery or hospitalization for said child(ren) while within the care of said agent. Furthermore, my agent is authorized to take any and all other necessary actions to provide for the safety, education, and welfare of said child(ren), including the taking of all steps necessary for enrollment in a public school and the signing of all documents in connection with the care, maintenance, medical treatment, education, and activities of said child(ren).
- To perform any and all parental acts, as fully to all intents and purposes as I might or could if personally present, to include but not limited to discipline, maintenance, supervision, arbitration of disputes, enrollment in school, sports or other activities, and to consent to any and all medical care and treatment necessary and appropriate for the general health and welfare of said child(ren).
- To act for me and in my name, place, and stead in all particulars for the purposes of providing care, and for obtaining food, shelter, clothing, education, and medical care for said child(ren).
- To make all emergency and non-emergency healthcare decisions and execute all related documents including insurance and waiver claims and forms, including the right to approve or decline medical,

dental, eye care, or psychiatric treatment, diagnostic tests, hospitalization, health care, and personal care, in any situation in which, as the result of illness, disease, absence, injury, or death I am incapable of making or communicating a decision with regard to my/our child(ren)'s medical or dental care, provided that such decisions are made following consultation with one or more licensed physicians or other licensed medical practitioners. I further delegate the power to select, employ, and discharge health care personnel, including dentists and eye care professionals, for our child(ren)'s benefit and to contract in my name and on my/our behalf for all health care services, including emergency and non-emergency medical, dental, vision, and psychiatric care services and related goods.

- To make all decisions, execute all documents, and grant permission regarding the child(ren)'s education, including but not limited to school enrollment, school and extracurricular activities, school trips, and school conferences

- Pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPPA") (Pub. L. 104-191), 45 CFR §§ 160-162, I am the Personal Representative of the minor child(ren) named above, and I appoint and designate the Agent as health care agents as their Personal Representative(s) for all purposes as provided in HIPPA.

I further appoint the Agent as Authorized Recipients under HIPPA and the California Confidentiality of Medical Information Act ("CMIA"), entitled to request, receive, and review any information concerning the child(ren)'s physical or mental health, including all HIPPA and CMIA protected information and medical and hospital records from covered healthcare providers and to execute any releases or consents and pay any fees in connection therewith.

(\_\_\_\_\_) **PET AND ANIMAL CARE:**

To do all acts necessary to maintain the customary standard of living of all pets and animals currently supported by me, including, but not limited to, providing and paying for shelter, food, and veterinary care.

#### **IV. GENERAL PROVISIONS**

- 1) Reliance By Third Parties. I hereby agree that any third party receiving a duly executed copy of this document may rely on and act under it. Revocation or termination of this power of attorney will be ineffective as to a third party unless and until that third party receives actual notice or

knowledge of the revocation or termination. For myself and for my heirs, executors, legal representatives, devisees, and assigns, I hereby agree to indemnify and hold harmless any third party from any and all claims because of good faith reliance on this instrument.

- 2) Severability. If any provision in this power of attorney is found to be invalid or unenforceable, this invalidity or unenforceability will not affect the other provisions of this document, and the other provisions will be given effect without the invalid or unenforceable provision.
- 3) Revocation of Prior Powers of Attorney. I revoke all durable powers of attorney naming me as principal executed prior to this document, specifically excluding any health care powers of attorney and advance health care directives.
- 4) Revocation. I may revoke this power of attorney at any time and/or in the specified date and time listed above.
- 5) Maintenance of Records; Accounting. My AGENT must maintain records of all actions taken on my behalf, including transactions, receipts, disbursements and investment. My AGENT shall provide an accounting for all funds handled and all acts performed as my AGENT, but only upon my request, the request of a personal representative or a fiduciary acting on my behalf, or court order. Any requirement of my AGENT to file inventories and accounts with the county clerk or with the court is specifically waived.
- 6) Compensation and Reimbursement. My AGENT is entitled to reasonable compensation for services provided on my behalf pursuant to this power of attorney. My AGENT will be reimbursed for all reasonable expenses incurred relating to his or her responsibilities under this power of attorney.
- 7) No Personal Benefit. Except as specifically provided in this document, my attorney-in-fact may not personally benefit from any transaction engaged in or on my behalf, or use my assets to discharge any of his or her own legal obligations, excluding me and those I am legally obligated to support.
- 8) Liability of AGENT. All persons or entities that in good faith endeavor to carry out the provisions of this power of attorney will not be liable to me, my estate, or my heirs for any damages or claims arising because of their actions or inactions based on this power of attorney. My estate will

indemnify and hold them harmless. A successor AGENT will not be liable for the acts of a prior AGENT.

9) Authority to Record, Register, or File. My AGENT may record, register, or file this power of attorney and other necessary and appropriate documents as required to carry out the powers granted herein.

10) Copies. A copy of this durable power of attorney shall be effective as an original for all purposes.

11) Choice of Law. This power of attorney will be governed by the laws of the state of California without regard for conflicts of laws principles. It was executed in the state of California and is intended to be valid in all jurisdictions of the united states of America and all foreign nations.

**IN WITNESS WHEREOF,** the undersigned has executed this power of attorney on the date set forth below.

Date: \_\_\_\_\_  
Principal Signature

## WITNESSES

By signing as a witness, I am acknowledging the signature of the principal who signed in my presence, and the fact that he or she stated that this power of attorney reflects his or her wishes and is being executed voluntarily. I believe the principal to be of sound mind. I have not been appointed as AGENT by the principal, am not related to him or her by blood, marriage, or adoption, and, to the best of my knowledge, am not entitled to any portion of his or her estate under his or her last will and testament or living trust.

1. \_\_\_\_\_  
(Signature of witness) \_\_\_\_\_  
(Print Name)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City, State, ZIP)
2. \_\_\_\_\_  
(Signature of witness) \_\_\_\_\_  
(Print Name)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City, State, ZIP)

## **NOTICE TO PERSON ACCEPTING APPOINTMENT AS AGENT/ATTORNEY-IN-FACT**

By acting or agreeing to act as the AGENT(attorney-in-fact) under this power of attorney you assume the fiduciary and other legal responsibilities of an agent. These responsibilities include:

- 1) The legal duty to act solely in the interest of the principal and to avoid conflicts of interest.
- 2) The legal duty to keep the principal's property separate and distinct from any other property owned or controlled by you.

You may not transfer the principal's property to yourself without full and adequate consideration or accept a gift of the principal's property unless this power of attorney specifically authorizes you to transfer property to yourself or to accept a gift of the principal's property. If you transfer the principal's property to yourself without specific authorization in the power of attorney, you may be prosecuted for fraud and/or embezzlement. If the principal is 65 years of age or older at the time that the property is transferred to you without authority, you may also be prosecuted for elder abuse under Penal Code Section 368. In addition to criminal prosecution, you may also be sued in civil court.

I have read the foregoing notice and I understand the legal and fiduciary duties that I assume by acting or agreeing to act as the AGENT (attorney-in-fact) under the terms of this power of attorney.

Date: \_\_\_\_\_

\_\_\_\_\_  
Agent Signature

## REVOCATION OF POWER OF ATTORNEY

I, (Principal) \_\_\_\_\_, hereby revoke, cancel and make void all durable powers of attorney naming me as principal executed prior to \_\_\_\_\_, 20\_\_, specifically excluding any health care powers of attorney and advance health care directives. Nothing herein shall affect any action taken by my attorney-in-fact prior to receiving this notice. This notice shall be conclusive for all purposes, from the date of execution as set forth below.

This Revocation of Power of Attorney may be served via personal delivery, mail, facsimile transmission or other electronic transmission, and shall be effective regardless of the manner in which same is received. A copy of this Revocation of Power of Attorney shall be effective as an original for all purposes.

\_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

Principal Signature

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Acknowledgement of Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his or her authorized capacity, and that by his or her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

ATTACHMENT A

ADDITIONAL CHILDREN INFORMATION

1. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

2. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

3. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

4. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

5. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

6. Child name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

## **APPENDIX P**

# **Checklist of Helpful Documents for Immigrant Workers to Provide to Advocates**

# Checklist of Helpful Documents for Immigrant Workers to Provide to Advocates

- ☐ Completed “Before a Workplace Raid” Intake Form (See Appendix L)
- ☐ [Signed by worker] USCIS Form G-28 (See Appendix M)
- ☐ [Signed by worker and witness] ICE—“Privacy Waiver Authorizing Disclosure to a Third Party” (See Appendix N)
- ☐ City or State ID
- ☐ Valid Passport
- ☐ Certificate of Disposition
- ☐ If worker has children: copy of all school transcripts of every child. Also, member may consider speaking to a family law attorney about the need to sign a power of attorney for the caretaking of their children.

# **APPENDIX Q**

## **Action Plan— Methodological Guide**

# Action Plan—Methodological Guide

## Goals

1. To create a Rapid Response Team work plan in preparation for a possible workplace raid.
2. To ensure everyone has a clear plan of action and clearly understands what steps to take in case of a workplace raid.
3. To build unity among workers in your shop (regardless of their immigration status or criminal record)

## Duration

110 minutes, 1 hour and 50 minutes (1 additional hour for prep)

## Audience/participants

Shop stewards (workers), labor and community organizers, and legal counsel (of the union or an advocacy organization)

*NOTE: The institution that has initial contact with or represents the workers (i.e., labor union, worker center, community organization, etc.) will convene this training and lead on facilitation.*

## Facilitators' Notes

It is recommended that demands and targets be identified prior to the training. While we understand this will look differently from place to place, here are some suggestions:

### Example of Demands:

- To get workers involved in a workplace raid released, obtain a stay of removal, and pursue other forms of relief.
- To ensure the families of the workers involved in a workplace raid have the necessary support and resources to navigate multiple potential outcomes (e.g., head of household is deported, head of household is held in custody for a prolonged period of time, head of household is released, but is unable to work)

### Example of Targets:

- Elected official, lead agency in workplace raid (or agencies), sheriff, etc.

| Time and Activity                                                                    | Step by Step                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Supplies                                                                                                                                                                                                                                                                                                                                                                                                                      | Lead                                     |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| A) Set Up<br>(30 minutes)<br><br>B) Facilitators/Team Leads Check-in<br>(30 minutes) | <p><b>Objective:</b> To clarify the facilitator's role and what their needs are for their sections</p> <p><b>A) Meet about an hour before your training starts</b> to troubleshoot any tech issues, i.e., projector, videos, sound system, etc.</p> <p><b>B) Facilitators/team leads check in</b> to go over last-minute questions about the agenda and update with any changes. Ask people to share:</p> <ul style="list-style-type: none"> <li>• What is one thing you are looking forward to during this training?</li> <li>• What is one fear you have about doing this training?</li> </ul> <p><i>NOTE: We are all learning as we go, no one is an expert; the goal of this training is to keep our communities and workplaces safe and to prepare to play an active role in making this happen.</i></p>                                     | <ul style="list-style-type: none"> <li>• Box of markers (enough for six breakout groups)</li> <li>• Pens</li> <li>• Notepads</li> <li>• Sign-in sheet</li> <li>• Butcher paper</li> <li>• Easels (if possible)</li> <li>• Simple agenda for participants</li> <li>• Copies of this internal facilitator's agenda for leads</li> <li>• Projector</li> <li>• Large, multicolored Post-it® notes (or pieces of paper)</li> </ul> | A) EVERYONE<br><br>B) [INSERT NAME]      |
| A) Welcome<br>(3 minutes)<br><br>B) Review Agenda and Goals<br>(5 minutes)           | <p><b>Objective:</b> To give participants a sense of what to expect and center everyone in the moment</p> <p><b>A) Welcome everyone</b></p> <p><b>B) Review the goals of the training and the simple agenda</b> with everyone and ask them to reference their copies</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | A) Slide # [ ]<br><br>B) Agenda should be put up on a slide or written out on butcher paper                                                                                                                                                                                                                                                                                                                                   | A) [INSERT NAME]<br><br>B) [INSERT NAME] |
| A) Intros/Icebreaker<br>(15 minutes)<br><br>B) Community Agreements<br>(15 minutes)  | <p><b>Objective:</b> To familiarize participants with one other and to establish ground rules and create an open environment for people to fully understand their role and commit to the overall goals of this training</p> <p><b>A) ICEBREAKER—Human Telephone</b><br/> <b>Instructions:</b> Get into a circle. ASK a volunteer to think of a phrase and hold on to that phrase. Our volunteer will say their name, where they are from and they WHISPER their phrase into the ear of the person to their left. The receiver of the phrase then will repeat this to the person to their left.</p> <p><i>NOTE: Participants try to remain as close to the original phrase as possible at the end. The goal of the activity is to 1) get everyone to meet and interact with each other, and 2) illustrate the importance of communication.</i></p> | A) NO SUPPLIES NECESSARY<br><br>B) Butcher paper, markers                                                                                                                                                                                                                                                                                                                                                                     | A) [INSERT NAME]                         |

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|                                                                                                                                                                    | <p><b>B) Community agreements</b>—Popcorn style, ask participants to make suggestions for rules or “community agreements” that they want to have to help the group flow through the agenda smoothly and optimize their time together.</p> <p><i>NOTE: You want to make sure to have these basic community agreements (you can prewrite some before the exercise to help get participants started):</i></p> <ol style="list-style-type: none"> <li>1. Don’t take pictures or video during the trainings</li> <li>2. Don’t share on social media specifics about the teams or Rapid Response plan</li> <li>3. One mic; one person speaks at a time</li> <li>4. Step Up, Step Back: don’t talk so much OR don’t stay too quiet</li> <li>5. Assume best intentions of others speaking</li> </ol>                                                                      |                                                                                                                                                                                     |                                                 |
| <p>A) Establish Rapid Response Team Leads<br/>(2 minutes)</p> <p>B) Set up breakout groups to create their portion of the Rapid Response plan<br/>(10 minutes)</p> | <p><b>Objective:</b> To establish Rapid Response support groups, group leads and to develop Rapid Response plan in case of a workplace raid</p> <p><b>A) Try to identify who from your overall Rapid Response Team</b> will be leads for each support group listed below. If not, simply ask for volunteers during the trainings for:</p> <ol style="list-style-type: none"> <li>1. Onsite worker support</li> <li>2. Legal Support</li> <li>3. Family Support/Special Needs</li> <li>4. Communications</li> <li>5. Mobilization</li> </ol> <p><b>B) Once group leads are identified,</b> instruct participants to sign up for one support group by putting their name and phone number on the corresponding butcher paper for the group of their choice.</p> <p><i>NOTE: All team leads should meet and review the action plan regularly to update info.</i></p> | <p>A) Set up five butcher papers (title each piece of paper with a support group name)</p> <p>B) This should be put into call sheets to share with everyone after the trainings</p> | <p>A) [INSERT NAME]</p> <p>B) [INSERT NAME]</p> |

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| <p>1. Onsite Worker Support—Rapid Response plan (30 minutes for all groups)</p> | <p><b>Objective:</b> To have a protocol in place to support workers during a raid; the goal is to show workers support as they undergo the raid, as well as to ensure the rights of these workers are respected by law enforcement agents</p> <p><b>Team Lead:</b> Use this time to develop your Rapid Response protocol/plan for your support team. We cannot be everywhere at all times, so make sure to have all shifts covered by different people who have access to the jobsite (you can assign a worker leader to each work shift).</p> <p><i>NOTE: The worksite you are preparing may not have shifts or you may not know what they are if a raid takes place at a worksite not previously organized. If this is the case, those on your team should work quickly to improvise shifts.</i></p> <p><b>A) Make sure you have everyone's contact info:</b></p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Phone number (cell)</li> <li>• Email</li> <li>• Shift they will be responsible for</li> </ul> <p><b>B) Roles to assign:</b></p> <ul style="list-style-type: none"> <li>• <i>Onsite witnesses</i> will be inside the shop if a raid happens. The first alert that a raid is happening will come from these people, who will activate the phone tree. (There should be one to two per work shift)</li> <li>• <i>Rapid Response Squad</i> will arrive at the site quickly to monitor the raid and report to legal folks. These people will be in the best position to give frequent updates.             <ul style="list-style-type: none"> <li>o Refer to the Observers Do's and Don'ts one-pager</li> <li>o Make sure you have accurate information about laws regarding recording or identifying yourself to the police as a bystander</li> </ul> </li> <li>• <i>In appropriate contexts, take videos and photos of the raid and consider using Facebook live, Periscope or the ACLU streaming app (if available in your city)</i> <ul style="list-style-type: none"> <li>o Prepare to document all the facts about a raid, including all actions taken by ICE agents that may be unlawful, the names and badge numbers of ICE agents, car plates and other details of the scene. Consider using Facebook live, Periscope or the ACLU streaming app (if available in your city)</li> </ul> </li> <li>• <i>Worker liaison</i> will call other workers who are not on shift to alert them to the situation at the worksite</li> <li>• <i>Liaison to legal</i> will field questions from the legal team in real time</li> <li>• <i>Liaison to family support</i> will be ready to coordinate communication to the workers' families, as well as the family support team and legal team.</li> </ul> | <ul style="list-style-type: none"> <li>• Contact info list of all witnesses</li> <li>• Know Your Rights cards and fliers</li> <li>• Do's and Don'ts for observers one-pager</li> <li>• Butcher paper to establish protocol</li> <li>• Roster of workers/shifts</li> </ul> | <p>TEAM LEAD<br/>[INSERT NAME]</p> |
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|  | <p><b>C) Raid happens!</b></p> <ul style="list-style-type: none"><li>• STEP 1: Onsite witness will send a group message or call the Rapid Response person for that shift</li><li>• STEP 2: Rapid Response person on shift will call the Onsite Support Team lead</li><li>• STEP 3: Team lead will activate Rapid Response Squad</li><li>• STEP 4: Team lead will activate all other team leads via a group message</li><li>• STEP 5: All other team leads will activate their own teammates and follow the protocols they have established</li></ul> <p><b>D) Your teammates already should have received the "Know Your Rights" cards and presentation,</b> but make sure to go through it one more time to answer any lingering questions.</p> <p><i>NOTE: If you have any workers from your shop in the training as leads or part of any support group, make sure they fill out the preraid intake form: <a href="https://docs.google.com/document/d/10IQhRosE26UUb6B10XDbdF-KT44YvKLPWnmW6lveHel/edit?usp=sharing">https://docs.google.com/document/d/10IQhRosE26UUb6B10XDbdF-KT44YvKLPWnmW6lveHel/edit?usp=sharing</a></i></p> |  |  |
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| 2. Legal Support | <p><b>Objective:</b> To put measures into place for before, during and after a workplace raid that will facilitate locating workers, getting workers released, preparing a defense for workers and their families and referring cases if necessary</p> <p><b>Team Lead:</b> Use this time to develop your Rapid Response protocol/plan for your support team. You will need to identify a central location, because the Legal Support team will need to have both a group in a central location and a group to go onsite.</p> <p><b>A) Make sure you have everyone's contact info</b></p> <ul style="list-style-type: none"> <li>Name</li> <li>Phone number (cell)</li> <li>Email</li> <li>Shift they will be responsible for</li> </ul> <p><b>B) Roles to assign</b></p> <ul style="list-style-type: none"> <li><i>Centralized Legal Group will:</i> <ul style="list-style-type: none"> <li>Have access to the hot line</li> <li>Have access to the workers' intake forms</li> <li>Work to locate where workers are being taken, i.e., which local detention centers or jails</li> <li>Notify or obtain individual case representation if necessary (including immigration/ criminal and family lawyers)</li> <li>Provide an update to union staff to inform workers' families</li> <li>Activate power of attorney if necessary</li> </ul> </li> <li><i>Onsite Legal Group will:</i> <ul style="list-style-type: none"> <li>Gather facts about the agents conducting the raids<br/><i>Is it Department of Labor, ICE, police, sheriff's office, etc.</i><br/><i>Monitor arrests as they are happening and follow where workers are being taken (and note whether there are any minors involved in the raid)</i> <ul style="list-style-type: none"> <li>Report back on which detention centers workers are being taken to and any information regarding possibilities for release, bail, etc.</li> <li>Will take note of any individual civil liberties violations</li> </ul> </li> </ul> </li> </ul> <p><b>C) Raid happens!</b></p> <ul style="list-style-type: none"> <li>STEP 1: Legal Team lead sees group message from Onsite Support Team lead</li> <li>STEP 2: Team lead immediately calls Onsite Legal Group to get into place and assume its responsibilities</li> <li>STEP 3: Team lead calls Centralized Legal Group to set up shop and operate the hot line in case workers call from detention or if supporters are arrested during the raid</li> <li>STEP 4: If there is a union involved, the team lead will contact the union's legal counsel</li> <li>STEP 5: Centralized Legal Group will prepare a letter from the union to ICE in case it is deemed necessary to send</li> <li>STEP 6: If workers are taken to a detention center, the Onsite Legal Group will follow and demand to speak with the workers</li> </ul> | <ul style="list-style-type: none"> <li>Preraid worker intake forms</li> <li>Company information</li> <li>Union staff contract</li> <li>List of sanctuary centers</li> <li>List of Legal Support Groups in the area for individual representation</li> <li>List of detention centers</li> <li>List/contact info for ICE local field office</li> </ul> | Team Lead<br>[INSERT NAME] |
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| <p>3. Family Support/<br/>Special Needs</p> | <p><b>Objective:</b> To establish how to best support the families of workers picked up during a workplace raid through communication with the families, locating solidarity housing, helping to assist with any financial needs caused by the incident, connecting the families with service providers relevant to their needs and activating churches</p> <p><b>Team Lead:</b> You will need to activate all community and faith support networks prior to the workplace raid, help the workers' families navigate the situation during the raid, and address any fallout afterward.</p> <p><b>A) Make sure you have everyone's contact info</b></p> <ul style="list-style-type: none"> <li>Name</li> <li>Phone number (cell)</li> <li>Email</li> <li>Shift they will be responsible for</li> </ul> <p><b>B) Roles to assign</b></p> <ul style="list-style-type: none"> <li><i>Liaison to Union</i> will assist union staff in contacting next of kin (spouse, parent, etc.): inform next of kin of raid and provide available resources and options for support</li> <li><i>Clergy Point Person</i> (faith/community/labor based) will activate: food, shelter, medical, transportation, counseling, legal advice, etc.</li> <li><i>Financial Support Point Person</i> will lead on fundraising through crowdsourcing (or other mechanisms) to help provide financial assistance if necessary for the families of the workers detained</li> </ul> <p><b>C) Raid happens!</b></p> <ul style="list-style-type: none"> <li>STEP 1: Family Support/Special Needs Team lead sees group message from the Onsite Worker Support Team lead</li> <li>STEP 2: This team lead will call the liaison to the union</li> <li>STEP 3: The liaison to the union will call the union rep for that shop and decide how to call family and other workers,</li> <li>STEP 4: Team lead will call the clergy point person to make sure resources are lined up and ready to go.</li> <li>STEP 5: Team lead will contact financial support point person so they can put potential donors on alert in case money is needed to bail out workers.</li> </ul> | <ul style="list-style-type: none"> <li>Company information</li> <li>Worker information file</li> <li>List of local Resources: <ul style="list-style-type: none"> <li>Food pantries</li> <li>Free clinics</li> <li>Hospitals</li> <li>Homeless shelters</li> </ul> </li> </ul> | <p>TEAM LEAD [INSERT NAME]</p> |
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| <p>4. Mobilization Support Team</p> | <p><b>Objective:</b> To engage community, faith, labor and any other ally organizations or persons to make noise about the workplace raid; this can be rallies through outside offices of agencies involved in the raid, offices of politicians who can intervene, or employers' headquarters (if involved in orchestrating or responding inappropriately to the raid)</p> <p><b>Team Lead:</b> You will need to mobilize all community, faith, labor and other allies to designated actions/rallies/marches as deemed necessary by the union and/or worker center that had initial relationships with the workers picked up as a result of the workplace raid.</p> <p><b>A) Make sure you have everyone's contact info</b></p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Phone number (cell)</li> <li>• Email</li> <li>• Shift they will be responsible for</li> </ul> <p><b>B) Roles to assign</b></p> <ul style="list-style-type: none"> <li>• <i>Onsite Mobilizer</i> will contact local labor institutions (central labor councils, state labor federations, union locals, worker centers, etc.), faith and community groups to join at the raid location to show support and to bear witness</li> <li>• <i>Offsite Mobilizer</i> will initiate a rally in support of the workers at targeted locations of power (sheriff's office, mayor's office, local ICE field office, local DOL office, detention center where workers are being held, etc.)</li> <li>• <i>Marshal/ Coordinator</i> will coordinate volunteers to serve as guides during a march or as crowd control or peacekeepers if anti-immigrant agitators arrive</li> <li>• <i>Logistics Team</i> will secure the following items for any and all possible actions: <ul style="list-style-type: none"> <li>o Signs/banners</li> <li>o Megaphones</li> <li>o Water</li> <li>o Snacks</li> <li>o First aid kit</li> </ul> </li> <li>• <i>Communications Liaison</i> will help amplify press releases and target agencies involved in workplace raid on social media (this should be two to four people)</li> </ul> <p><b>C) Raid happens!</b></p> <ul style="list-style-type: none"> <li>• STEP 1: Mobilization Team lead sees group message; they message or call the onsite mobilizer to make sure we have enough witnesses at the scene and have major presence</li> <li>• STEP 2: Team lead activates the logistics coordinator to meet the onsite mobilizer with materials and they will check in with the offsite mobilizer to coordinate distribution of materials to a secondary location if necessary</li> <li>• STEP 3: Team lead calls/messages offsite mobilizer to be ready in case offsite mobilizations are needed, especially once workers are taken to a secondary location</li> <li>• STEP 4: Team lead calls/messages the marshal coordinator; they will check in with the offsite mobilizer and onsite mobilizer to assess where they need to send volunteers/teammates</li> <li>• The team lead will activate the communications liaison, who will check in with the Communications Team lead</li> </ul> | <ul style="list-style-type: none"> <li>• List of local law enforcement agency offices</li> <li>• List of detention centers</li> <li>• List of politicians' offices</li> <li>• List of ICE field offices</li> <li>• Company information; location</li> <li>• Signs</li> <li>• Megaphones</li> <li>• Water</li> <li>• Snacks</li> <li>• Predrafted action alerts</li> </ul> | <p>TEAM LEAD<br/>[INSERT NAME]</p> |
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| <p>5. Communications Team</p> | <p><b>Objective:</b> To establish a protocol/plan to bring media attention to the workplace as it is happening in real time and to spark interest to follow the cases as needed to keep up pressure to have our workers released from detention</p> <p><b>Team Lead:</b> Will need to immediately activate local TV news and radio outlets as well as newspaper and online coverage of the workplace raid as it is happening and afterward. You will lead your team in development of traditional press releases and social media; all of this is done in coordination with the legal, union and/or worker center Leads.</p> <p><b>A) Make sure you have everyone's contact info</b></p> <ul style="list-style-type: none"> <li>Name</li> <li>Phone number (cell)</li> <li>Email</li> <li>Shift they will be responsible for</li> </ul> <p><b>B) Roles to assign</b></p> <ul style="list-style-type: none"> <li><i>Media Materials Point Person</i> will draft and update media press alerts once this team is activated and send to media contacts. He/she also will have press packets assembled for onsite distribution. *SHOULD GET SIGN-OFF FROM LEGAL TEAM LEAD/CENTRALIZED OFFSITE GROUP* <ul style="list-style-type: none"> <li>Prepare (in advance, when possible) worker stories/profiles</li> <li>Develop sample community support letters for organizations to share with agencies involved in or influential on workplace raids/detentions</li> </ul> </li> <li><i>Onsite Media Wrangler</i> will keep track of onsite news coverage and connect news outlets with prepped interviewees. <ul style="list-style-type: none"> <li>Coordinate with union staff and legal team if connecting families of workers involved in the worksite raid before doing interviews</li> </ul> </li> <li><i>Online Media Point Person</i> will predraft social media content so it's ready to share or be released during a workplace raid. <ul style="list-style-type: none"> <li>Coordinate social media people onsite (to tweet and post Facebook updates)</li> <li>Draft petitions/resolutions/statements about the workers</li> </ul> </li> </ul> <p><b>C) Raid happens!</b></p> <ul style="list-style-type: none"> <li>STEP 1: Communications Team lead sees group message from the Onsite Worker Support Team lead.</li> <li>STEP 2: This team lead will call/message to activate the media materials point person, who will put out a media alert to their contacts. They will send press packets to the onsite media wrangler.</li> <li>STEP 3: Team lead will activate the online media point person, who will take the petition for the workers live and send out alerts through Twitter and Facebook (or echo what the Onsite Support Team already has put out)</li> <li>STEP 4: Team lead will activate onsite media wrangler, who will have labor leaders, faith leaders, community leaders, etc., ready to give interviews.</li> </ul> | <p>TEAM LEAD<br/>[INSERT NAME]</p> <ul style="list-style-type: none"> <li>List of local leaders/elected officials</li> <li>Media list</li> <li>Company information</li> <li>Facebook account</li> <li>Twitter handle</li> <li>Corporate office numbers</li> <li>Computer</li> <li>Camera (phone will do)</li> </ul> |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                        |                                                 |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <p>Wrap-up<br/>(30 minutes)</p> | <p><b>Objective:</b> To assemble the complete Rapid Response Plan from all the support group teams' plans; at the end of this, everyone should be clear on what the BIG group protocol and support group team protocol will be—each person should be clear on his/her specific role.</p> <p><b>A) Have each team report back</b> their protocols and identify any needs each team might have from other teams. Make sure everyone one has each other's contacts.</p> <p><b>B) Assure everyone you will share the notes from this training</b>, which will include a finalized/comprehensive Rapid Response Plan that includes everyone's protocols.</p> | <p>A) If the team has put its notes on butcher paper, take them and post them up; if not, have someone scribe for them as they report back.</p> <p>B) Recirculate the sign-in sheet in case someone has missed it.</p> | <p>A) [INSERT NAME]</p> <p>B) [INSERT NAME]</p> |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|

# **APPENDIX R**

## **Post-Workplace Raid Questionnaire for Observers**

# Post-Workplace Raid Questionnaire for Observers

It is important to document the details observed during the raid quickly after the event.

1. Date: \_\_\_\_\_

2. Time: \_\_\_\_\_

3. Address: \_\_\_\_\_

4. Please describe the location (i.e., the business, building facility, workplace, etc.):

---

---

5. Are workers outside or inside at the time of your arrival? Document the time.

---

6. What agencies conducted the raid? (e.g., ICE, local police, HSI, etc. \*NOTE: There may be multiple law enforcement agencies working together in a task force, etc.)

---

---

7. How many officers were there? How many were male and female?

Female: \_\_\_\_\_ Male: \_\_\_\_\_

8. Please describe their vehicles (were they marked as police, DHS, etc.):

---

9. Did the officers have their weapons drawn or were they visible?

---

10. What were the officers wearing?

Color \_\_\_\_\_ Labels \_\_\_\_\_ Badges \_\_\_\_\_

Location of ICE Detention Facility where worker was taken:

|          |       |
|----------|-------|
| Name:    | _____ |
| Address: | _____ |
| Phone:   | _____ |

Location of ICE Special Agent in Charge:

*\*You can locate your local "Enforcement & Removal Operations" office here:*

<https://www.ice.gov/contact/field-offices>

|          |       |
|----------|-------|
| Name:    | _____ |
| Address: | _____ |
| Phone:   | _____ |

# **APPENDIX S**

## **Post-Worksite Raid/ I-9 Audit Intake**

# Post-Workplace Raid/I-9 Audit Intake

Below is a series of questions designed for people who have been affected by immigration enforcement-related operations in the workplace, such as “I-9 raids.” These can serve as a guide to find out more about what happened, how it has affected workers, whether there are any labor or civil rights violations, and help evaluate their legal and advocacy options. Make sure to advise anyone providing information seeking support for their case that you are *not* an attorney, and that any evaluation *does not* mean an agreement to represent them in the entirety of their case. Information here is only protected if done under the supervision of an attorney.

Intake completed by: \_\_\_\_\_

Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

Local/Union: \_\_\_\_\_

## Worker Personal Information

Name: \_\_\_\_\_

Emergency Contact Name and Phone Number:

\_\_\_\_\_

City and State of Residence: \_\_\_\_\_

Union/Local/Position: \_\_\_\_\_

Occupation: \_\_\_\_\_

Alien Number if applicable: \_\_\_\_\_

## Immigration Enforcement Action Basics

Name of Business or Industry: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Immigration Enforcement Action: \_\_\_\_\_

## Information on the Immigration Enforcement Action

### *The Immigration Operation*

1. Please describe what happened when law enforcement agents entered your workplace?

---

2. How many law enforcement agents took part in the operation, or “raid”?

---

3. Were there people from other agencies present (other than ICE)? (Usually marked on sleeves or vests.)

---

4. Did the officers announce themselves or say anything as they first entered your workplace?

---

5. After the officers entered, did you feel free to leave the area? If not, why not?

---

6. Did anyone try to leave after the officers entered? If so, what happened?

---

7. Did the officers separate people by race, language spoken or gender?

---

8. Were there any non-Latinos present when ICE arrived?

---

9. Were the non-Latinos treated differently than the Latinos?

---

10. Were there any children present? How were the children treated?

---

11. Did agents speak only English, or did they or anyone with them speak in other languages? If so, which languages?

---

12. What did ICE say or announce to get into the workplace? In what language?

---

13. Did ICE agents enter the property with a warrant?

---

14. If no warrant, did the employer provide consent to enter?

---

15. If not the employer, who provided consent or opened the door? (name and title)

---

16. Did ICE use verbal/physical force (banging hard on the door, yelling threats, touching, pushing person) to enter? Please describe.

---

---

17. Did ICE detain and remove you and your co-workers, regardless of immigration status?

---

18. Did anyone comply with the request to self-identify as U.S. citizens?

---

19. Did ICE advise you and your co-workers of their right to remain silent?

---

20. Did they take any documents from the worksite? If so, whose and which documents and how were they obtained, by whom?

---

21. How were workers transported from the worksite to this location? Did they take you somewhere else before this location?

---

---

22. Did they take yours or any of your co-workers' fingerprints already?

---

23. Before the raid happened, were there any rumors that it was coming?

---

24. Why do you think your workplace was targeted for an immigration operation or “raid”?

---

25. Did you hear of any workers being visited by ICE at their home immediately before the raid?

---

26. Is there anything else you think we should know about what happened?

---

***Individual Treatment During Operation and While in Custody***

1. Were you told at any time that you had the right to remain silent and speak to a lawyer? Who told you that, and when?

---

2. Did the officers make you or anyone else sit down, lie down or line up? When?

---

3. Did the officers physically restrain you or anyone else (like a zip tie or handcuffs)? When?

---

4. When did they question you? Was it before or after you were told to sit down or line up?

---

5. Once you were in ICE custody, were you questioned? What questions did they ask?

---

---

6. Did the officers already have your name, or any other information on you when they questioned you?

---

---

7. Were you given access to a phone to make a call? Whom did you call?

---

8. Did you feel the officers were going to physically harm you at any point? Why?

---

9. Did the officers say anything offensive to you?

---

10. Did they ask any questions about the labor conditions at your workplace?

---

---

11. Did they ask you to sign any documents? Do you know what they were?

---

---

12. Were you asked questions about your health?

---

13. Are you in need of prescription medicine right now? What are they and do you know where we can we get your prescription?

---

---

14. Did ICE advise you and your co-workers of your right to contact your foreign consulate yet?

---

15. Did they separate/isolate anyone? If so, who?

---

---

16. Do you have any final requests for me?

---

# **APPENDIX T**

## **Sample Letter From Union to Local ICE Field Office of Enforcement**

*[Insert Union Letterhead]*

*[Date]*

*[To: Name of Field Office Director and Name of Assistant Field Office Director]*

*[Re: Worksite Raid, Name of Company, Address of Raid Site]*

*[Dear Director X],*

Our labor union/council *[Insert here name of labor body or Union]* seeks information regarding the recent worksite raid and detention of workers at *[X worksite/Name and address of Company and date of worksite raid]*. *[IF labor body, insert the following: We represent x number of unions and x workers in [X city or locality].]* *[IF union, insert the following: We represent X number of union members in [X city or locality].]* *[IN ADDITION, ONLY IF union represents affected workers or is engaged in organizing drive, insert the following: We represent x workers at this worksite and it is our legal duty to represent them and their interests in this situation.]*

We write to express our deep concern about the enforcement action and strongly urge your office to immediately release all persons detained during or as a result of the action, and issue stay of removals for each of them while we engage legal counsel to investigate avenues of relief for every individual.

The federal government historically has recognized the need for immigration enforcement to “be insulated from inappropriate manipulation by other parties” and has issued guidance to avoid such manipulation where labor disputes exist. The 2011 Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites, and the 2016 Addendum, define a *labor dispute* as:

A labor-related dispute between the employees of a business or organization and the management or ownership of the business or organization concerning the following employee rights:

- The right to be paid minimum legal wage, a promised or contracted wage, and overtime;
- The right to receive family medical leave and employee benefits to which one is legally entitled;
- The right to have a safe workplace and to receive compensation for work-related injuries;
- The right to be free from unlawful discrimination;
- The rights to form, join or assist a labor organization, to participate in collective bargaining or negotiation, and to engage in protected concerted activity for mutual aid or protection;
- The rights of members of labor unions to union democracy, to unions free of financial improprieties, and to access to information concerning employee rights and the financial activities of unions, employers and labor relation consultants; and
- The right to be free from retaliation for seeking to enforce the above rights.

Immigration enforcement actions at worksites have widespread chilling effects on workers, causing them to fail to exercise their rights or report violations of health and safety rules or employment laws out of fear of retaliation. The result effectively undermines labor standards for all workers and, as labor leaders, it is our responsibility to reverse this trend and seek to raise the floor of labor conditions for all working people. Therefore, we respectfully request the following:

1. Issue Stay of Removals for each individual;
2. Notification of the locations where detainees are held and access to visit them;
3. Notification of anyone being processed under expedited removals (Form I-235), administrative removal (Form I-238) or reinstatement of removal or deportation (Form I-231), as well as any transfers;
4. Notification of any federal criminal charges being pursued against the workers, the employer, and copies of any criminal complaints; and
5. Where privacy waivers are on file: 1) copies of notice to appear 2) Form I-213 and 3) any bond determination.

We will continue to monitor this case and appreciate in advance your transparency and timely response and continued communication regarding this matter moving forward.

Sincerely,

*[Union representative]*

## **APPENDIX U**

# **Sample “No-Match” Letter Sent to Employers**

# Sample “No-Match” Letter Sent to Employers

**NOTE:** No-match letters have not been issued in several years, but current or future administrations may revive them and/or revise this version. Additionally, current or future administrations also may interpret related policies differently. For a list of resources on this matter, visit [www.justice.gov/crt/ssa-no-match-guidance-page](http://www.justice.gov/crt/ssa-no-match-guidance-page).

## Social Security Administration Retirement, Survivors and Disability Insurance Employer Correction Request CODE V

Office of Central Operations  
300 N. Greene Street  
Baltimore, MD 21290-0300

Date: July 17, 2003  
EIN: [REDACTED]

Establishment Number: [REDACTED] MRN: [REDACTED] WFID: [REDACTED]

### Why You Are Getting This Letter

Some employee names and Social Security numbers that you reported on the Wage and Tax Statements (Form W-2) for tax year 2002 do not agree with our records. We need corrected information from you so that we can credit your employees' earnings to their Social Security record. It's important because these records can determine if someone is entitled to Social Security retirement, disability and survivors benefits, and how much he or she can receive. If the information you report to us is incorrect, your employee may not get benefits he or she is due.

There are several reasons why the information reported to us doesn't agree with our records, including:

- Errors were made in spelling an employee's name or listing the Social Security number
- An employee did not report a name change following a marriage or divorce
- The name or Social Security number information were incomplete or left blank on the W-2 report sent to the Social Security Administration

**IMPORTANT:** This letter does not imply that you or your employee intentionally gave the government wrong information about the employee's name or Social Security number. Nor does it make any statement about an employee's immigration status.

See Next Page

Visit our website at <http://www.ssa.gov>

You should not use this letter to take any adverse action against an employee just because his or her Social Security number appears on the list, such as laying off, suspending, firing, or discriminating against that individual. Doing so could, in fact, violate state or federal law and subject you to legal consequences.

**For Spanish-speaking individuals:** Esta carta y los documentos adjuntos proveen información sobre las acciones que debe tomar para corregir algunos de los nombres y números de Seguro Social que usted informó en la Declaración de Retención de Salarios (formulario W-2, "Wage and Tax Statement", en inglés) de sus empleados. Si usted necesita una traducción de esta carta, por favor, llámenos al número de teléfono gratis, 1-800-772-1213, de 7:00 a.m. a 7:00 p.m. hora del este.

Esta carta no implica que usted ni su empleado intencionadamente proveyó información incorrecta sobre el nombre o número de Seguro Social del empleado. Esto no es una razón, de por sí, para que usted tome ninguna acción adversa en contra del empleado, tal como suspensión, despedida o discriminación del individuo que aparece en la lista. Cualquier empleador que usa la información en esta carta para justificar una acción adversa en contra de un empleado puede violar la ley estatal o federal y estar sujeto a consecuencias legales. Además, esta carta no hace ninguna declaración sobre el estado de inmigración de su empleado.

#### What You Should Do

It would be a great help to us if you could respond within 60 days with the information that you are able to correct so that the Social Security Administration can maintain an accurate earnings record for each employee and make sure your employees get the benefits they are due.

We have attached some materials to help you:

- A list of the Social Security numbers that do not match our records. (If the list shows you have "MORE" Social Security numbers to correct than listed, please call us at 1-800-772-6270 for assistance.)
- Instructions on "How To Correct Social Security Numbers".
- Tips on "Annual Wage Report Filing" for the future.

Visit our website at <http://www.ssa.gov>

**If You Have Any Questions**

If you have any questions, please call us toll-free at 1-800-772-6270 between 7:00 a.m. and 7:00 p.m., Eastern time, Monday through Friday. We can answer most questions over the phone. You can also write us at the address shown on the first page of this letter. If you do call, please have this letter with you. It will help us answer your questions. Also, general program information is available from our website at <http://www.ssa.gov/employer>.

[REDACTED]  
[REDACTED]  
Associate Commissioner for  
Central Operations

Visit our website at <http://www.ssa.gov>

[REDACTED]

**SOCIAL SECURITY NUMBERS THAT DO NOT MATCH OUR RECORDS**

[REDACTED]  
[REDACTED]  
[REDACTED]

Visit our website at <http://www.ssa.gov>

## How To Correct SSNs

Complete Forms W-2c (Corrected Wage and Tax Statement) for each of the SSNs listed that you are able to correct. You also need to file a Form W-3c (Transmittal of Corrected Wage and Tax Statements) whenever you file Forms W-2c. You don't need to prepare Forms W-2c for all the SSNs that you reported. If an employee does not provide corrected information or no longer works for you and you are unable to contact him/her, document your records with the information you relied on in completing the W-2 or the efforts you made to contact your former employee. Retain this information in your files; do not send it to SSA. You should provide all corrections as soon as possible. Please follow the guidelines below before preparing Forms W-2c.

You also need to file a Form W-3c (Transmittal of Corrected Wage and Tax Statements) whenever you file Forms W-2c.

- Compare your employment records to the Forms W-2 you reported for the SSNs included on the attached list.
- If your employment records and Forms W-2 do not match, prepare Forms W-2c with the corrected information from your employment records. (Do not send copies of proofs of identity or other documents in addition to, or in place of, the Forms W-2c.)
- If your employment records and Forms W-2 match, ask your employee to check his/her Social Security card and to inform you of any name or SSN difference between your records and his/her card. If your employment records are incorrect, correct your records.
- If your records match the information on the employee's Social Security card, have the employee contact any Social Security office to resolve the issue. Tell the employee that once he/she has visited the Social Security office he/she should inform you of any changes and correct your records accordingly.
- SSA may also send the employee a notice regarding this issue. You should discuss with the employee any changes you make to your employment records.
- If you wish to file your Form W-2c corrections electronically or on magnetic media, call SSA at 1-800-772-6270 to request a copy of the "Magnetic Media Reporting and Electronic Filing of W-2c Information (MMREF-2)".
- We suggest using AccuW2C to identify possible "Magnetic Media Reporting and Electronic Filing of W-2c Information (MMREF-2)" formatting errors. You can download AccuW2C from the Internet at:

<http://www.ssa.gov/employer/accuwage>

Visit our website at <http://www.ssa.gov>

- If you wish to file paper Forms W-2c, you can get them from the Internal Revenue Service. Paper Forms W-2c should be sent to the following address:

Social Security Administration  
Data Operations Center  
Attention: W-2c Process  
P.O. Box 3833  
Wilkes-Barre, Pennsylvania 18767-3333

Visit our website at <http://www.ssa.gov>

## **APPENDIX V**

# **Sample Letter Regarding SSA “No-Match” Letters**

[Employer name and contact information]

[Re: Social Security No-Match]

Dear [Employer Representative]:

[Union] represents workers employed by [Employer]. The Union understands that you have received a no-match letter from the Social Security Administration (“SSA”) concerning one or more of the Union’s members. We are writing to provide you with information pertaining to the purpose of a no-match letter, an employer’s obligations with respect to no-match letters and your obligations under the National Labor Relations Act and the collective bargaining agreement.

As an initial matter, an employer is required to bargain with the Union regarding the employer’s response to no-match letters. See *Aramark Educational Services and UNITE HERE Local 26*, 355 NLRB No. 11 (2010). The Union, therefore, requests that you provide the Union a copy of any nomatch letter(s) you have received and bargain with the Union over your response to those letters.

Next, we want to advise you that a no-match letter from the SSA is not a notice about problems with a workers’ employment authorization or immigration status. SSA’s no-match letter is intended only to help SSA make sure its records are accurate and to ensure that the agency properly credits employees’ earnings. The no-match letter itself explicitly advises employers not to take adverse actions against workers because of a no-match letter and advises that the no-match letter are not a statement about a worker’s immigration status. See *Aramark Facility Services v. Service Employees International Union, Local 1877*, AFL-CIO, 530 F.3d 817 (9th Cir. 2008) (holding that a no-match letter does not provide an employer with “constructive knowledge” that a worker is not authorized to work).

Because a no-match letter is not a notice about problems with a person’s work authorization or immigration status, you should not seek to re-verify any employees’ work authorization documents. Should you do so, you would be running afoul of federal law and could be subject to potential liability for violating anti-discrimination laws.

Finally, the Union advises you not to take any adverse action against any of the workers who have received a no-match letter. Several arbitrators have held that it is a violation of the just cause standard to discipline, terminate or take any adverse action against employees based on receipt of a no-match letter. See *Aramark Facility Services & SEIU Local 1877*, George Marshall (December 2005) aff’d *Aramark Facility Services v. SEIU Local 1877*, 533 F.3d 817 (9th Cir. 2008); *Laborers’ Local Union No. 25 & Utility Concrete Products*, Steven M. Bierig (October 31, 2008); *Sodexo, Inc. v. UNITE HERE Local 17* (J. Flaglor 2010).

Please contact [Union Representative] and provide the Union with a copy of any and all no-match letters you have received from the SSA within five days. Furthermore, the Union demands that you bargain with the Union prior to taking any actions in response to the no-match letter(s).

Sincerely,  
[Advocate]

## **APPENDIX W**

# **Sample Letter Regarding SSN Verification/ Background Checks**

[Employer name and contact information]

[Re: Social Security Number Verification or Background Check]

Dear [Employer Representative]:

[Union] represents the workers employed by [Employer name]. It has come to the Union's attention that [Employer name] is requesting that employees sign forms authorizing [Employer name] to verify their social security numbers with the Social Security Administration ("SSA"). We are writing to request that you provide the Union with a copy of any and all documents or forms you have received from the SSA, and any and all documents or forms that you have provided to the workers for purposes of verifying their social security number. We are also writing to inform of your obligations under existing law.

As a preliminary matter, [Employer name] is obligated to bargain with the Union regarding terms and conditions of employment of its bargaining unit members, including matters involving alleged discrepancies with workers' social security numbers. See *Aramark Educational Services and UNITE HERE Local 26*, 355 NLRB No. 11 2010.

Next, workers are not required by any state or federal law to sign such Social Security number verification [or background check] forms. Likewise, no state or federal law requires an employer to verify its workers' Social Security numbers ("SSN") and no law provides that an employer may require its workers to authorize verification of their SSN. In addition, Arbitrators have held that self-SSN verifications by an employer do not constitute just cause for termination because neither state or federal law require employers to verify their workers' SSNs with the SSA. See *Service Performance Corp. v. SEIU Local 1877*, (G. McKay 2005).

Furthermore, SSA's verification of an SSN does not provide proof or confirmation of identity, nor does it verify employment eligibility. The only information such verification would provide is whether the SSN information provided matches SSA's records. It is well established that a no-match from the SSA does not constitute just cause for termination. See *Aramark Facility Services & SEIU Local 1877*, George Marshall (December 2005) aff'd *Aramark Facility Services v. SEIU Local 1877*, 533 F.3d 817 (9th Cir. 2008); *Laborers' Local Union No. 25 & Utility Concrete Products*, Steven M. Bierig (October 31, 2008); *Sodexo, Inc. v. UNITE HERE Local 17* (J. Flaglor 2010).

Please contact [Union Representative] and provide the Union with a copy of the documents requested within five days.

Sincerely,  
[Advocate]

# **APPENDIX X**

## **Examples of Specific Contract Language Regarding Immigration Matters**

# Examples of Specific Contract Language Regarding Immigration Matters

In order to strengthen worker protections and clarify procedures, unions may bargain with employers over potential responses to irregularities in immigration status, and other related issues. In the event of an upcoming contract negotiation or labor management session, union representatives may want to push for inclusion of some of the following immigration-related provisions in the collective bargaining agreement or relevant side agreements.

## Sample Contract Language

**General Principles:** The union and the employer have a mutual interest in avoiding the termination of trained employees. Accordingly, to the extent not addressed by this agreement, the union and the employer will negotiate over issues related to compliance with the Immigration Reform and Control Act and any other current or future legislation, government rules or policies related to immigrants.

**Protection of Rights During Workplace Immigration Enforcement:** The employer will promptly notify the shop steward and union if the company is contacted by the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), a branch of DHS for any purpose or if a search and/or arrest warrant, administrative subpoena or other request for documents is presented in order that the union can take steps to protect the rights of its members. Further, the employer will:

1. Refuse admittance of any agents of DHS or ICE who do not possess a valid warrant signed by a federal judge or magistrate.
2. Not reveal to the DHS names, addresses or immigration status of any employee, except pursuant to a valid warrant or subpoena signed by a federal judge, magistrate or immigration officer designated by the DHS.
3. Permit inspection of I-9 Forms by DHS or DOL only after a minimum of three written days' notice. The employer shall provide no documents other than the I-9 forms to the DHS for inspection in the absence of a valid DHS administrative subpoena, or a search warrant or subpoenas signed by a federal judge or magistrate.
4. Where a warrant specifically names certain individuals or the DHS presents a warrant or subpoena, which requires the production of I-9 forms, the inspection shall be permitted and individuals shall be called into the front office.
5. Where DHS notifies the employer that certain employees do not appear to be authorized for continued employment, the company will provide the employees with a reasonable opportunity of not less than two weeks to present other documents as listed on Form I-9 to establish their employment authorization.
6. Nothing in this provision shall be interpreted to limit the employee's rights to continued employment under the "receipt rule," which grants employees ninety (90) days to present to the company a replacement document of a previously issued but expired employment authorization.

7. It is acknowledged that this agreement shall not be interpreted to cause the company to knowingly hire or continue the employment of any person not authorized to work in the United States as prohibited by IRCA 8 U.S.C. 1324a(a)(1)(A)(2).

**Employer Self-Audits:** Absent such form notice from DHS, ICE or any other federal state or local enforcement agency, the employer will not conduct an audit or any other type of inspection of its I-9 forms or personnel records, and will not allow any other private or public entity to conduct such an audit or inspection.

**I-9 Forms:** The employer will maintain employee I-9 forms in a file separate from personnel records, as required by law. The employer will not duplicate, either by photocopy, electronically or any other method, the documents provided by the employee in connection with the I-9 process, and will not retain any copies, however obtained, in any files.

**Verification and Re-Verification of Work Authorization:** The employer will not require or demand proof of immigration status, except as may be required by 8 U.S.C. 1324A(B) and listed on the back of the I-9 form. Further, the employer will not require that an employee re-verify his or her authorization to work unless the employer obtains actual or constructive knowledge that the employee is not authorized to work in the United States. “Actual or constructive knowledge” means such knowledge that would subject the employer to liability under the “employer sanctions” provisions of the immigration laws, 8 U.S.C. 1324a. Further, the employer will not require employees engaged in “continuing employment” to provide proof of work authorization, including Social Security numbers.

“Re-verification” means requesting that an employee show documents that purport to prove their authorization to work in the United States, and includes a request to provide proof of a valid Social Security number. In the event that the employer determines it has the requisite “actual or constructive knowledge” that requires it re-verify an employee’s authorization to work, the employer will:

- Prior to notifying the employee, notify the union and provide the union with the factual basis for that determination;
- Afford the employee a reasonable period of time of not less than 120 days to establish work authorization; and
- Not take any adverse employment action against the employee unless the employer has complied with sections (1) and (2) above, and is required to do so by law.

**Transfer of I-9 Forms:** No employee shall be required to re-verify status in circumstances constituting “continuing employment.” In the event of a sale of the business or its assets, or other business reorganization that transfers the employees to a different entity, the employer shall transfer the I-9 forms of its employees to the new employer, and shall condition such sale on the successor employer’s written agreement to use transferred I-9 forms to satisfy obligations with respect to I-9 forms. *[This obligation also should be incorporated specifically into the owner and operators’ successorship obligations.]*

**Inquiries Into Immigration Status:** The employer will not ask any employee, either orally or in writing, to respond to questions or provide documentation of immigration status, except as required by law. If the employer determines that such a request is required by law, the employer will provide

the employee(s) and the union a detailed explanation for the request, in writing, citing the factual and legal basis for the request. The union will have two weeks to reply to the request. The employee will not be required to respond to questions or provide the requested documentation while the union and the employer attempt to resolve a dispute under this section.

**Employer Participation in Employer Verification Pilot Projects:** The employer will not participate in any computer or online verification of immigration or work authorization status, except as required by law.

**Corrections to Records:** An employee may notify the employer of a change in name or Social Security number and the employer will modify its records to reflect such changes. Such employees shall not have their seniority of employment status affected, or suffer any loss of benefits as a result of notifying the employer of such changes.

The employer may not discharge or in any manner discriminate, retaliate or take any adverse action against an employee because the employee updates or attempts to update his/her personnel records to reflect change to his/her lawful name or valid Social Security number.

**Social Security “No-Match” Letters:** In the event that the employer receives notice, either by correspondence or otherwise, from the Social Security Administration (SSA) indicating that an employee’s name and Social Security number (SSN) that the employer reported on the Wage and Tax Statements (Form W-2) for the previous tax year do not agree with SSA’s records, the employer agrees to the following:

- The employer will notify the union upon receipt of any such notice and will provide a copy of the notice to all employees listed on the notice and to the union;
- The employer will not take any adverse action against any employee listed on the notice, including firing, laying off, suspending, retaliating or discriminating against any such employee;
- The employer will not require that employees listed on the notice bring in a copy of their Social Security card for the employer to review, complete a new I-9 form, or provide new or additional proof of work authorization or immigration status;
- The employer will not contact the SSA or any other governmental agency after receiving notice of a “no-match” from the SSA; and
- The employer will not interrogate any employee about his/her Social Security number (see section “Inquiries into Immigration Status”).

**Expiration of Documents:** The employer agrees to treat an employee’s period of removal from employment due to the expiration of the employee’s work authorization document as a leave of absence without pay for a period of up to ninety (90) calendar days, and reinstate the employee to the job without loss of seniority upon receipt of the renewal work authorization document if the employee provides appropriate documentation.

**Translation:** The employer agrees that a mutually agreeable translator will, at the employer’s cost, translate the parties’ collective bargaining agreement into the principal languages its employees read. The English version of the bargaining agreement shall govern should there be any discrepancies with the translated versions.

The employer also agrees, at the employer's cost, to translate all employment-related documents, including handbooks, disciplinary notices, policies, procedures and other notices into languages its employees read, using a mutually agreeable translator. The employer agrees to pay for a mutually agreeable translator to translate during all company meetings that employees not fluent in English attend.

**Nondiscrimination:** The employer shall not discipline, discharge or in any other form discriminate against any employee because of his/her national origin or immigration status, or because immigration hearings and/or deportation hearings are initiated or are pending. An employee subject to immigration or deportation proceedings shall retain employment so long as the employee is authorized to work in the United States.

No employee covered by this agreement shall suffer any loss of seniority, compensation or benefits due to any changes in the employee's name or Social Security number, provided that the new Social Security number is valid and the employee is authorized to work in the United States.

**Remedies:** If the employer violates any provision of this article and such violation directly or indirectly leads to the termination or resignation of any employee, the employer shall, in addition to any other remedies awarded by the arbitrator, reinstate and make the employee whole. If a reinstatement and/or make whole remedy is not permitted due to the employee's immigration status, the employer shall make an equivalent payment to \_\_\_\_\_. [e.g., *a labor management fund, an employee assistance fund (so long as it is not controlled by the union), a nonprofit, etc. The money cannot be paid directly to the union.*]

**Citizenship:** Upon request, employees shall be released for up to five unpaid working days during the term of this agreement in order to attend U.S. Citizenship and Immigration Services proceedings and any related matters for the employee only. The employer may request verification of the reason for such absence.

On the day an employee becomes a U.S. citizen, the employer will compensate the employee with a one-time paid personal holiday in recognition of his or her citizenship.

**Leaves of Absence for Immigration-Related Issues:** In the event that an employee has a problem with his or her right to work in the United States, after completing his or her introductory or probationary period, the employer shall notify the union in writing, and upon the union's request, agrees to meet with the union to discuss the nature of the problem to see whether a resolution can be reached. Whenever possible, this meeting shall take place before any action by the employer is taken.

The union and the employer have an interest in avoiding the necessity of terminating trained employees due to the employee losing his/her authorization to work in the United States. In order to assist employees in a timely manner to take advantage of the prepaid legal services plan and/or other assistance provided by the union regarding immigration matters, the employer agrees to share with the union, upon request, authorizations that are going to expire in the 60-day period following the request.

In the event that an employee does not provide adequate proof that he/she is authorized to work in the United States after his/her probationary or introductory period, and his/her employment is terminated for this reason, the employer agrees to immediately reinstate the employee to his/her former position, without loss of prior seniority (but length of service for vacation or other benefits does not continue to accrue during the period of absence) upon the employee providing proper paper work authorization within 12 months from the date of termination.

If the employee needs additional time, the employer will rehire the employee into the next available opening in the employee's former classification, as a new hire without seniority, upon the employee providing proper work authorization within a maximum of 12 additional months.

The employer will furnish to any employee terminated because he/she has not provided adequate proof he/she is authorized to work in the United States a personalized letter stating the employee's rights and obligations under this section.

**Limited-English Proficient Workers:** While English is the language of the workplace, the employer recognizes the right of employees to use the language of their choice among themselves.

The employer shall work with the union to provide English as a Second Language (ESL) and literacy classes to employees at the worksite, either directly or in partnership with not-for-profit ESL providers.

The employer agrees that any employee who is disciplined or discharged must be provided with notice in the language in which he/she is most fluent, and any meetings that may lead to or concern discipline or discharge must be conducted in the language in which the employee is most fluent.

**Legal Services:** The parties agree to jointly establish and participate in a fund, known as the \_\_\_\_\_ Fund, for the purpose of providing legal assistance to bargaining unit employees in connection with immigration and naturalization proceedings. The fund shall at all times meet the criteria of §302(c) (8) of the Labor-Management Relations Act of 1947, and contributions thereto shall be tax deductible by the employer. The employer shall contribute \$0.\_\_\_\_ per hour for each hour worked effective (date). As used in this section, "hours worked" shall mean all hours for which an employee may be compensated, including paid time off hours.

Contributions to the fund shall be delinquent after the fifteenth (15th) day of each month for hours worked the previous month. Reporting procedures and interest on delinquent contributions shall be established by the trustees of the fund. By execution of this agreement, the employer hereto agrees to accept and be fully bound by the terms of the fund's Trust Agreement and Plan, and any subsequent amendments thereto. Any disputes or differences of opinion concerning the initial terms of the Trust Agreement and Plan shall be subject to arbitration under this agreement.

**Federal Contracts:** If the employer submits a bid for a federal contract that requires the employer to use E-Verify, the employer will promptly provide the union a copy of that bid.

If the employer enters into a federal contract that requires the employer to use E-Verify, the employer will provide the union with a copy of that contract within five (5) days of the award date of the contract.

If the employer bids on or enters into a federal contract that requires the employer to use E-Verify, the employer will meet with a representative of the union to discuss the E-Verify requirement and comply with any reasonable request by the union that the employer object to inclusion of the E-Verify clause in the federal contract.

The employer will not agree to modify any federal contracts entered into before Sept. 8, 2009, to include a requirement that the employer participate in E-Verify.

If the employer enters into a federal contract that requires the employer to use E-Verify, the employer will use E-Verify only for (a) new hires; and (b) existing employees who work on the federal contract; and will not use E-Verify for existing employees (a) who do not work on the federal contract; or (b) who normally perform support work, such as indirect or overhead functions, and who do not perform any substantial duties under the federal contract. Before using E-Verify, the employer will meet with the union and reach agreement on which employees are working on the federal contract and must be verified.

The employer will not verify any existing employees in E-Verify until 120 days after the award date of a federal contract that requires the employer to use E-Verify.

Before verifying any existing employees in E-Verify, the employer will give employees 90 days advance notice. Any employee who decides to resign in lieu of being checked in E-Verify will be given a severance payment of \$\_\_\_\_\_.

**Management Training:** The employer shall train all managers and supervisors on the immigration components of this contract within one (1) month of agreement to its terms, and thereafter within six months of hiring any new manager or supervisor.

We took information for this section from the Immigration A-Z curriculum of the Bonnie Ladin Union Skills Training Program, held June 20–24, 2016.

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*“Todos somos trabajadores; inmigrantes o no. Y si ya luchamos por un contrato entonces el sindicato y nosotros tenemos que seguir luchando. ¡La lucha sigue!”*

*“We are all workers; immigrants or not. And if we already fought for a contract then the union and us need to continue fighting. The fight goes on!”*

—Fausto Hernandez, CLEAN Carwash Campaign worker leader, Los Angeles



Carwash worker leaders in Los Angeles preparing for worker action. Photo: CLEAN Carwash Campaign